

STATE LAW LIBRARY OF MONTANA

Joseph P. Mazurek Justice Building
215 North Sanders Street
PO Box 203004
Helena, MT 59620-3004



Website: courts.mt.gov/library
Email: mtlawlibrary@mt.gov
Phone: 406-444-3660
Fax: 406-444-3603

Legislative History – Montana Session Law

Chapter: 168

Session L: 2011

Bill Number: HB 508

Checklist of Bill History

History and Final Status Sheet



Introduced Bill



Fiscal Note



Third Reading Bill



Final Version of Bill



House

Committee: Local Government

Hearing Date(s): 2/17/2011

Committee Report: 2/17/2011

Senate

Committee: Business, Labor, and Economic
Affairs

Hearing Date(s): 3/24/2011

Committee Report: 3/25/2011

Conference Committee

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by: SK Marshall

Date: 9/18/2025

Notes: Audio/Video recordings can be found here:

<https://sg001-harmony.sliq.net/00309/Harmony/en>

Exported Data

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
04/12/11	Chapter Number Assigned				
04/12/11	(H) Signed by Governor				
04/04/11	(H) Transmitted to Governor				
04/04/11	(S) Signed by President				
04/04/11	(H) Signed by Speaker				
03/31/11	(C) Printed - Enrolled Version Available				
03/31/11	(H) Returned from Enrolling				
03/31/11	(H) Sent to Enrolling				
03/31/11	(S) Returned to House				
03/31/11	(S) 3rd Reading Concurred		37	13	
03/31/11	(S) Scheduled for 3rd Reading				
03/30/11	(C) Printed - New Version Available				
03/30/11	(C) Sponsors Engrossed				
03/30/11	(S) 2nd Reading Concurred		40	10	
03/30/11	(S) Scheduled for 2nd Reading				
03/25/11	(S) Committee Report--Bill Concurred	(S) Business, Labor, and Economic Affairs			
03/25/11	(S) Committee Executive Action--Bill Concurred	(S) Business, Labor, and Economic Affairs	6	5	
03/24/11	(S) Hearing	(S) Business, Labor, and Economic Affairs			
03/02/11	(S) Referred to Committee	(S) Business, Labor, and Economic Affairs			
03/02/11	(S) First Reading				
02/22/11	(H) Transmitted to Senate				
02/22/11	(H) 3rd Reading Passed		61	37	
02/22/11	(H) Scheduled for 3rd Reading				
02/21/11	(H) 2nd Reading Passed		58	41	
02/21/11	(H) Scheduled for 2nd Reading				
02/19/11	(H) Taken from Committee; Placed on 2nd Reading	(H) Local Government	68	28	
02/19/11	(H) Committee Vote Failed; Remains in Committee	(H) Local Government	10	10	
02/17/11	(H) Hearing	(H) Local Government			
02/17/11	(H) Fiscal Note Printed				
02/16/11	(H) Fiscal Note Signed				

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
02/16/11	(H) Fiscal Note Received				
02/11/11	(C) Introduced Bill Text Available Electronically				
02/11/11	(H) Fiscal Note Requested				
02/11/11	(H) Referred to Committee	(H) Local Government			
02/11/11	(H) First Reading				
02/11/11	(H) Introduced				
02/08/11	(C) Draft Delivered to Requester				
02/02/11	(C) Draft Ready for Delivery				
02/01/11	(C) Fiscal Note Probable				
02/01/11	(C) Draft in Assembly/Executive Director Review				
02/01/11	(C) Draft in Final Drafter Review				
02/01/11	(C) Draft in Input/Proofing				
01/31/11	(C) Draft to Drafter - Edit Review				
01/31/11	(C) Draft in Legal Review				
01/31/11	(C) Draft Back for Redo				
01/20/11	(C) Draft in Final Drafter Review				
01/20/11	(C) Bill Draft Text Available Electronically				
01/20/11	(C) Draft in Input/Proofing				
01/20/11	(C) Draft to Drafter - Edit Review				
01/18/11	(C) Draft in Legal Review				
01/17/11	(C) Draft to Requester for Review				
01/07/11	(C) Draft Request Received				



AN ACT REVISING COMPENSATION FOR RURAL FIREFIGHTERS; PROVIDING PAYMENT OF A PARTIAL SALARY TO RURAL FIREFIGHTERS WHO ARE INJURED IN THE PERFORMANCE OF THEIR DUTIES; AND LIMITING THE PAYMENT OF THE PARTIAL SALARY TO FULL-PAID EMPLOYEES UNDER CERTAIN CIRCUMSTANCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Payment of partial salary to rural firefighter injured in performance of duty. (1) A full-paid firefighter who is an employee of a rural fire district and who is injured in the performance of the firefighter's duty must be paid by the fire district the difference between the firefighter's net salary, following adjustments for income taxes and pension contributions, and the amount received from workers' compensation until the disability has ceased, as determined by workers' compensation, or for a period not to exceed 1 year, whichever occurs first.

(2) To qualify for the partial salary payment provided for in subsection (1), the firefighter must require medical or other remedial treatment and must be incapable of performing the firefighter's duties as a result of the injury.

(3) This section does not apply to a volunteer firefighter or a part-paid firefighter.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 7, chapter 33, part 21, and the provisions of Title 7, chapter 33, part 21, apply to [section 1].

- END -

I hereby certify that the within bill,
HB 0508, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2011.

President of the Senate

Signed this _____ day
of _____, 2011.

HOUSE BILL NO. 508

INTRODUCED BY M. MCNALLY, MCNIVEN

AN ACT REVISING COMPENSATION FOR RURAL FIREFIGHTERS; PROVIDING PAYMENT OF A PARTIAL SALARY TO RURAL FIREFIGHTERS WHO ARE INJURED IN THE PERFORMANCE OF THEIR DUTIES; AND LIMITING THE PAYMENT OF THE PARTIAL SALARY TO FULL-PAID EMPLOYEES UNDER CERTAIN CIRCUMSTANCES.



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2013 Biennium

Bill # HB0508

Title: Require payment of partial salary to injured rural firefighter

Primary Sponsor: McNally, Mary

Status: As Introduced

- | | | |
|---|--|--|
| ☐ Significant Local Gov Impact | ☐ Needs to be included in HB 2 | ☐ Technical Concerns |
| ☐ Included in the Executive Budget | ☐ Significant Long-Term Impacts | ☐ Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>	<u>FY 2014 Difference</u>	<u>FY 2015 Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal impact: This bill has no fiscal impact to the state of Montana.

FISCAL ANALYSIS

Effect on County or Other Local Revenues or Expenditures:

- HB 508 would require rural fire districts to pay the partial salary of rural firefighters injured in performance of duty. This would have a fiscal impact on rural fire districts. The Department of Administration Local Government Bureau could not determine the amount or significance of the impact. The bill would require rural fire districts to pay the difference between the firefighter's net salary and the amount received from workers' compensation until the disability ceased or for a period not to exceed one year. The amount the rural fire district could pay would vary depending on the amount of the net salary, the amount received from workers compensation, and the duration of the payments.

Sponsor's Initials

Date

Budget Director's Initials

Date



AN ACT REVISING COMPENSATION FOR RURAL FIREFIGHTERS; PROVIDING PAYMENT OF A PARTIAL SALARY TO RURAL FIREFIGHTERS WHO ARE INJURED IN THE PERFORMANCE OF THEIR DUTIES; AND LIMITING THE PAYMENT OF THE PARTIAL SALARY TO FULL-PAID EMPLOYEES UNDER CERTAIN CIRCUMSTANCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Payment of partial salary to rural firefighter injured in performance of duty. (1) A full-paid firefighter who is an employee of a rural fire district and who is injured in the performance of the firefighter's duty must be paid by the fire district the difference between the firefighter's net salary, following adjustments for income taxes and pension contributions, and the amount received from workers' compensation until the disability has ceased, as determined by workers' compensation, or for a period not to exceed 1 year, whichever occurs first.

(2) To qualify for the partial salary payment provided for in subsection (1), the firefighter must require medical or other remedial treatment and must be incapable of performing the firefighter's duties as a result of the injury.

(3) This section does not apply to a volunteer firefighter or a part-paid firefighter.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 7, chapter 33, part 21, and the provisions of Title 7, chapter 33, part 21, apply to [section 1].

- END -

I hereby certify that the within bill,
HB 0508, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2011.

President of the Senate

Signed this _____ day
of _____, 2011.

HOUSE BILL NO. 508

INTRODUCED BY M. MCNALLY, MCNIVEN

AN ACT REVISING COMPENSATION FOR RURAL FIREFIGHTERS; PROVIDING PAYMENT OF A PARTIAL SALARY TO RURAL FIREFIGHTERS WHO ARE INJURED IN THE PERFORMANCE OF THEIR DUTIES; AND LIMITING THE PAYMENT OF THE PARTIAL SALARY TO FULL-PAID EMPLOYEES UNDER CERTAIN CIRCUMSTANCES.

HOUSE BILL NO. 508

INTRODUCED BY M. MCNALLY, MCNIVEN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING COMPENSATION FOR RURAL FIREFIGHTERS; PROVIDING PAYMENT OF A PARTIAL SALARY TO RURAL FIREFIGHTERS WHO ARE INJURED IN THE PERFORMANCE OF THEIR DUTIES; AND LIMITING THE PAYMENT OF THE PARTIAL SALARY TO FULL-PAID EMPLOYEES UNDER CERTAIN CIRCUMSTANCES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Payment of partial salary to rural firefighter injured in performance of duty. (1) A full-paid firefighter who is an employee of a rural fire district and who is injured in the performance of the firefighter's duty must be paid by the fire district the difference between the firefighter's net salary, following adjustments for income taxes and pension contributions, and the amount received from workers' compensation until the disability has ceased, as determined by workers' compensation, or for a period not to exceed 1 year, whichever occurs first.

(2) To qualify for the partial salary payment provided for in subsection (1), the firefighter must require medical or other remedial treatment and must be incapable of performing the firefighter's duties as a result of the injury.

(3) This section does not apply to a volunteer firefighter or a part-paid firefighter.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 7, chapter 33, part 21, and the provisions of Title 7, chapter 33, part 21, apply to [section 1].

- END -

HOUSE BILL NO. 508

INTRODUCED BY M. MCNALLY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING COMPENSATION FOR RURAL FIREFIGHTERS; PROVIDING PAYMENT OF A PARTIAL SALARY TO RURAL FIREFIGHTERS WHO ARE INJURED IN THE PERFORMANCE OF THEIR DUTIES; AND LIMITING THE PAYMENT OF THE PARTIAL SALARY TO FULL-PAID EMPLOYEES UNDER CERTAIN CIRCUMSTANCES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Payment of partial salary to rural firefighter injured in performance of duty. (1) A full-paid firefighter who is an employee of a rural fire district and who is injured in the performance of the firefighter's duty must be paid by the fire district the difference between the firefighter's net salary, following adjustments for income taxes and pension contributions, and the amount received from workers' compensation until the disability has ceased, as determined by workers' compensation, or for a period not to exceed 1 year, whichever occurs first.

(2) To qualify for the partial salary payment provided for in subsection (1), the firefighter must require medical or other remedial treatment and must be incapable of performing the firefighter's duties as a result of the injury.

(3) This section does not apply to a volunteer firefighter or a part-paid firefighter.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 7, chapter 33, part 21, and the provisions of Title 7, chapter 33, part 21, apply to [section 1].

- END -

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Gary MacLaren, on February 17, 2011 at 3:30 PM, in Room 172
Capitol

ROLL CALL

Members Present:

Rep. Gary MacLaren, Chair (R)
Rep. Michael (Mike) More, Vice Chair (R)
Rep. Michele Reinhart, Vice Chair (D)
Rep. Liz Bangerter (R)
Rep. Dick Barrett (D)
Rep. Bryce Bennett (D)
Rep. Tom Berry (R)
Rep. Edward Greef (R)
Rep. Kris Hansen (R)
Rep. Pat Ingraham (R)
Rep. James Knox (R)
Rep. Steve Lavin (R)
Rep. Sue Malek (D)
Rep. Mary McNally (D)
Rep. Jerry O'Neil (R)
Rep. Derek Skees (R)
Rep. Wayne Stahl (R)
Rep. Kathy Swanson (D)
Rep. Gordon Vance (R)

Members Excused: Rep. Matthew M. Rosendale Sr (R)

Members Absent: None

Staff Present: Helen Thigpen, Legislative Branch
Phoebe Williams, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 391, 2/10/2011; HB 430, 2/10/2011; HB 459, 2/10/2011; HB 494, 2/10/2011; HB 508, 2/10/2011; HB 510, 2/10/2011; HB 522, 2/10/2011; HB 538, 2/10/2011; HB 542, 2/10/2011; HB 546, 2/10/2011; HB 552, 2/10/2011; HB 575, 2/10/2011; HB 592, 2/10/2011

Executive Action: HB 391, HB 400, HB 403, HB 430, HB 459, HB 465, HB 494, HB 508, HB 510, HB 522, HB 538, HB 542, HB 546, HB 552, HB 575, HB 592, HB 380

HEARING ON HB 538

Opening Statement by Sponsor:

00:01:33 Rep. Ken Peterson (R), HD 46, opened the hearing on HB 538, Providing for sale of bonds at public or private sale.

Proponents' Testimony:

00:02:30 Rep. Jesse O'Hara
00:02:58 Alec Hansen, Montana League of Cities and Towns
00:03:34 Dan Semmons
00:05:25 Steve White, Bozeman
00:05:39 Aaron Rudio, Great Falls
00:06:37 Harold Blattie Montana Association of Counties (MACo)
00:06:48 Gordon Morris, Lewis and Clark County

Opponents' Testimony: None

Informational Testimony:

00:07:09 Anna Miller, Department of Natural Resources

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:07:29 Rep. Peterson

HEARING ON HB 508

Opening Statement by Sponsor:

00:08:27 Rep. Mary McNally (D), HD 49, opened the hearing on HB 508, Require payment of partial salary to injured rural firefighter.

Proponents' Testimony:

00:11:14 Joseph Sands, Career Fire Fighters of Montana
00:13:26 Toby Ballard, Missoula Rural Fire District
EXHIBIT(lah39a01)
00:16:20 Bill Colwell, Fire Chief, Missoula Rural Fire District

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:17:21 Rep. Knox
00:18:47 Rep. Ingraham
00:18:54 Rep. O'Neil
00:18:59 Bill Colwell
00:19:17 Rep. O'Neil
00:19:34 Bill Colwell

Closing by Sponsor:

00:20:04 Rep McNalley

HEARING ON HB 552

Opening Statement by Sponsor:

00:20:56 Rep. Alan Hale (R), HD 77, opened the hearing on HB 552, Provide workers' comp to volunteer firefighters and EMS workers.

Proponents' Testimony:

00:22:19 Keith Wear, Jefferson City Fire Department
00:25:15 Bud Siderits, Jefferson City Fire Department
00:26:30 Pat McKelvey
00:27:47 DeDe Rhodes, Basin Volunteer Fire District

[EXHIBIT\(loh39a02\)](#)

[EXHIBIT\(loh39a03\)](#)

[EXHIBIT\(loh39a04\)](#)

00:30:58 Bruce Charles, Mineral County

00:33:51 David Cooper,

[EXHIBIT\(loh39a05\)](#)

00:34:13 Brett Greger

00:34:39 Susan Charles

Opponents' Testimony:

00:37:26 Nancy Butler, Montana State Fund

00:38:51 Bob Worthington, Montana Self Insurers Association

Informational Testimony: None

Questions from Committee Members and Responses:

00:40:10 Rep. Ingraham
00:40:52 Bud Siderits
00:41:42 Rep. Berry
00:42:27 Rep. Hale
00:42:36 DeDe Rhodes
00:42:59 Rep. McNally
00:43:28 Nancy Butler
00:44:40 Rep. Malek
00:45:06 Bruce. Charles
00:47:10 Rep. Malek

00:47:25 Bruce Charles
00:47:40 Rep. Malek
00:47:44 Bruce Charles

Closing by Sponsor:

00:48:22 Rep. Hale

HEARING ON HB 391

Opening Statement by Sponsor:

00:49:42 Rep. Tom Berry (R), HD 45, opened the hearing on HB 391, Prohibit local initiative from establishing priority of enforcement of state law.

Proponents' Testimony:

00:50:43 Fred VanValkenburg

EXHIBIT(loh39a06)

00:55:45 Jim Smith, Sheriffs and Peace Officers Association

00:56:35 Larry Epstein, Montana Chiefs of Police and Police Protective Association

00:57:02 Mike Batista, Department of Justice

Opponents' Testimony:

00:57:44 Cynthia Wolken

EXHIBIT(loh39a07)

00:59:42 Mike Fellows

01:00:31 Rep. Ellie Hill

Informational Testimony: None

Questions from Committee Members and Responses:

01:02:35 Rep. Hansen
01:03:08 Fred VanValkenburg
01:04:10 Rep. Moore
01:04:29 Fred VanValkenburg
01:04:35 Rep. Moore
01:04:42 Fred VanValkenburg
01:04:58 Rep. MacLaren
01:05:15 Rep. Malek
01:05:56 Fred VanValkenburg
01:06:41 Rep. Malek
01:07:28 Fred VanValkenburg
01:08:02 Rep. Bennett
01:08:24 Rep. Berry
01:08:38 Rep. Barrett
01:09:09 Fred VanValkenburg
01:09:47 Rep. Malek
01:10:18 Rep. MacLaren

Closing by Sponsor:

01:10:28 Rep. Berry

HEARING ON HB 430

Opening Statement by Sponsor:

01:11:05 Rep. Cleve Loney (R), HD 25, opened the hearing on HB 430, Revise laws regarding administration of conservation districts.

Proponents' Testimony:

01:13:37 Gayla Wortman, Cascade County Conservation District

EXHIBIT(lah39a08)

01:13:38 Rep. Rosendale joined meeting.

01:18:47 John Chase Cascade

01:19:15 Alan Rollo

01:19:39 Jeff Tiberi

Opponents' Testimony: None

Informational Testimony:

01:00:15 Laurie Zeller, Department of Natural Resources

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:20:35 Rep. Loney

HEARING ON HB 459

Opening Statement by Sponsor:

01:21:08 Rep. Mark Blasdel (R), HD 10, opened the hearing on HB 459, Provide volunteer exemption of liability to county government.

Proponents' Testimony:

01:22:50 Harold Blattie, MACo

01:23:33 Jeff Tiberi

01:23:53 Gayla Wortman

01:24:05 Alan Rollo

Opponents' Testimony:

01:24:34 Al Smith, Montana Trial Lawyers Association

Informational Testimony: None

Questions from Committee Members and Responses:

01:27:14 Rep. Barrett

01:27:55 Rep. Blasdel

01:28:29 Rep. Hansen

01:28:55 Al Smith

01:29:33 Rep. Hansen

01:30:05 Harold Blattie

01:30:50 Rep. O'Neil

01:31:00 Rep. Blasdel

01:31:46 Rep. O'Neil
01:31:53 Rep. Blasdel
01:31:59 Rep. Barrett
01:32:28 Al Smith
01:33:21 Rep. Barrett
01:33:38 Al Smith

Closing by Sponsor:

01:34:07 Rep. Blasdel

HEARING ON HB 494

Opening Statement by Sponsor:

01:35:06 Rep. Champ Edmunds (R), HD 100, opened the hearing on HB 494, Revise laws relating to subdivision exemptions.

[EXHIBIT\(loh39a09\)](#)

Proponents' Testimony:

01:37:16 Sterling Miller

[EXHIBIT\(loh39a10\)](#)

[EXHIBIT\(loh39a11\)](#)

01:41:43 Suzanne Miller

[EXHIBIT\(loh39a12\)](#)

01:44:10 Kathryn Cotnoir

01:45:49 Glenn Oppell, Montana Association of Realtors

[EXHIBIT\(loh39a13\)](#)

01:46:34 John MacDonald, City of Missoula

01:47:13 Kim Chambers

01:49:05 Terry Nelson

01:50:30 Dustin Stewart, Montana Building Industry Association

01:51:04 Ken Jenkins

01:52:27 Joe Roberts Montana Association of Registered Land Surveyors

01:52:43 Mike Fellows

01:53:18 Brett George

[EXHIBIT\(loh39a14\)](#)

[EXHIBIT\(loh39a15\)](#)

Opponents' Testimony:

01:55:33 Tara DePuy

Informational Testimony:

01:57:50 Linda Stahl, Montana Association of Planners

Questions from Committee Members and Responses:

02:03:55 Rep. Reinhart

02:04:17 Tara DePuy

02:05:22 Rep. Reinhart

02:05:55 Glenn Oppel

02:06:34 Rep. Reinhart

02:07:04 Glenn Oppel

02:07:30 Rep. Reinhart
02:07:57 Glenn Oppel
02:08:01 Rep. Reinhart
02:08:04 Glenn Oppel
02:08:13 Rep. Reinhart
02:08:33 Kim Chambers
02:08:40 Rep. Reinhart
02:08:51 Kim Chambers
02:09:04 Kim Chambers
02:09:34 Rep. Reinhart
02:09:38 Kim Chambers
02:09:49 Rep. Reinhart
02:09:57 Kim Chambers
02:10:01 Rep. Reinhart
02:10:09 Rep. Ingraham
02:10:42 Glen Oppel
02:11:04 Rep. Reinhart
02:11:52 Linda Stahl
02:12:34 Rep. Malek
02:13:02 Tara DePuy
02:13:12 Rep. Malek
02:13:35 Rep. Ingraham
02:13:49 Glen Oppel

Closing by Sponsor:

02:14:10 Rep. Edmunds

HEARING ON HB 510

Opening Statement by Sponsor:

02:15:48 Rep. James Knox (R), HD 47, opened the hearing on HB 510, Revise requirements for organizing a municipality - eliminate 3 mile rule.

Proponents' Testimony:

02:17:02 Mike Fellows

Opponents' Testimony:

02:17:36 Alec Hansen

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

02:17:53 Rep. Knox

HEARING ON HB 542

Opening Statement by Sponsor:

02:18:51 Rep. John Esp (R), HD 61, opened the hearing on HB 542, Revise subdivision and platting act.

Proponents' Testimony:

02:22:35 Glen Oppel

EXHIBIT(loh39a16)

02:26:31 George Lake

02:31:10 Buck Lake

02:32:10 Ruth Link

EXHIBIT(loh39a17)

02:33:20 Terry Nelson

EXHIBIT(loh39a18)

02:34:49 Ken Jenkins

02:37:35 Joe Roberts, Montana Association of Registered Land Surveyors

02:37:57 Kimberly Chambers

02:39:25 Dustin Stewart, Montana Building Association

Opponents' Testimony:

02:40:10 Stephanie Laporte

EXHIBIT(loh39a19)

02:44:14 Dick Thweatt, Montana Smart Growth Coalition

EXHIBIT(loh39a20)

02:47:32 Anne Hedges, Montana Environmental Center

02:49:04 Becky Weed

02:51:51 John MacDonald, City of Missoula

02:54:04 Tara DePuy

02:57:14 Linda Stahl, Montana Association of Planners

02:58:11 Janet Ellis, Montana Audubon

03:00:06 Jim Barngrover

Informational Testimony: None

Questions from Committee Members and Responses:

03:01:47 Rep. Skees

03:02:02 Kim Chambers

03:02:53 Rep. Barrett

03:04:00 Rep. Esp

03:04:49 Rep. Barrett

03:05:14 Rep. Esp

EXHIBIT(loh39a21)

03:05:21 Rep. Reinhart

03:05:40 Rep. Esp

03:06:25 Rep. Reinhart

03:07:02 Rep. Esp

03:07:22 Rep. Reinhart

03:07:43 Rep. Esp

03:08:13 Rep. Reinhart
 03:08:22 Rep. Esp
 03:08:32 Glen Oppel
 03:09:00 Rep. Reinhart
 03:09:34 Glen Oppel
 03:10:02 Rep. Reinhart
 03:10:19 Glen Oppel
 03:10:50 Rep. Reinhart
 03:11:21 Tara DePuy
 03:11:57 Rep. Reinhart
 03:12:12 Tara DePuy
 03:13:03 Rep. Reinhart
 03:13:06 Tara DePuy

Closing by Sponsor:

03:13:24 Rep. Esp

 03:15:26 Recess
 03:36:36 Reconvene

HEARING ON HB 522

Opening Statement by Sponsor:

03:37:01 Rep. Douglas (Doug) Kary (R), HD 48, opened the hearing on HB 522, Extend approval of subdivision application to mutually agreed upon time..

Proponents' Testimony:

03:38:01 Dustin Stewart, Montana Building Association
 03:39:45 Kimberly Chambers, Missoula, Montana
 03:41:02 Andy Skinner, Helena, Montana
 03:42:37 Glen Oppel, Montana Realtors Association
 03:42:50 Ken Jenkins
 03:43:52 Steve White, Gallatin County Commissioner
 03:45:19 Gordon Morris, Lewis and Clark County
 03:45:48 Joe Roberts, Montana Association of Registered Land Surveyors

Opponents' Testimony:

03:46:28 Anne Hedges, Montana Environmental Association
 03:47:32 Tara DePuy, Montana Association of Counties Land Use Attorney

Informational Testimony: None

Questions from Committee Members and Responses:

03:48:43 Rep. Reinhart
 03:49:33 Dustin Stewart
 03:50:15 Rep. Reinhart
 03:51:03 Dustin Stewart
 03:51:37 Rep. Reinhart
 03:51:48 Dustin Stewart
 03:52:23 Rep. Skees

03:52:41 Dustin Stewart

Closing by Sponsor:

03:53:41 Rep. Kary

HEARING ON HB 546

Opening Statement by Sponsor:

03:54:22 Rep. Bob Wagner (R), HD 71, opened the hearing on HB 546, Revise laws to prohibit local government competition with private sector.

Proponents' Testimony:

04:00:14 Ben Wagner

04:04:12 Riley Johnson, National Federation of Independent Businesses

04:05:56 Mike Fellows

Opponents' Testimony:

04:06:55 Dan Dennehy, Public Works Director, Butte Silver Bow

04:09:54 Bruce Evans

04:10:13 Linda Stahl, Montana Public Health Officials

04:11:30 Gordon Morris, Lewis and Clark County

04:12:01 Alec Hansen, Montana League of Cities and Towns

04:14:37 John MacDonald, City of Missoula

04:14:56 Greg Chilcott, Ravalli County

Informational Testimony:

04:17:17 Lana George

[EXHIBIT\(loh39a22\)](#)

Questions from Committee Members and Responses:

04:19:29 Rep. Skees

04:19:57 Dan Dennehy

04:20:26 Rep. Skees

04:20:46 Dan Dennehy

04:21:03 Rep. Skees

04:21:28 Linda Stahl

04:21:55 Rep. Skees

04:22:08 Linda Stahl

Closing by Sponsor:

04:22:45 Rep. Wagner

HEARING ON HB 575

Opening Statement by Sponsor:

04:27:35 Rep. Kris Hansen (R), HD 33, opened the hearing on HB 575, Generally revise annexation laws.

[EXHIBIT\(loh39a23\)](#)

Proponents' Testimony:

04:34:52 Alec Hansen
04:38:40 John MacDonald
04:39:23 Tara DePuy

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

04:40:10 Rep. Reinhart
04:40:29 Rep. Hansen
04:41:23 Rep. O'Neil
04:41:40 Alec Hansen

Closing by Sponsor:

04:42:39 Rep. Hansen

HEARING ON HB 592

Opening Statement by Sponsor:

04:43:48 Rep. Wayne Stahl (R), HD 35, opened the hearing on HB 592, Revise subdivision law - define tract of record - provide exemption from review.

Proponents' Testimony:

04:49:21 Mike Fellows

Opponents' Testimony:

04:49:48 Gordon Morris
04:50:56 Janet Ellis

EXHIBIT(loh39a24)

04:52:52 Anne Hedges, Montana Environmental Information Center

EXHIBIT(loh39a25)

04:58:19 Linda Stahl
04:58:33 Tara DePuy

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

04:59:28 Rep. Stahl

05:00:39 Recess
05:13:10 Reconvene

EXECUTIVE ACTION ON HB 373

05:13:43 Helen Thigpen
05:14:45 Rep. Reinhart
05:14:53 **Motion/Vote:** Rep. Reinhart moved that **HB 373 BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 380

05:15:11 **Motion:** Rep. Reinhart moved that **HB 380 DO PASS**.
05:15:29 **Motion:** Rep. Reinhart moved that **HB 380 BE AMENDED**.
[EXHIBIT](#)(loh39a26)
05:15:52 Rep. Reinhart
05:16:17 Rep. MacLaren
05:16:28 Rep. Skees
05:16:32 Rep. Reinhart
05:16:52 **Vote:** Motion carried unanimously by voice vote.
05:17:00 **Motion/Vote:** Rep. Reinhart moved that **HB 380 DO PASS AS AMENDED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 400

05:18:08 Rep. MacLaren
[EXHIBIT](#)(loh39a27)
05:18:39 **Motion/Vote:** Rep. Reinhart moved that **HB 400 BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 403

05:19:04 **Motion:** Rep. More moved that **HB 403 DO PASS**.
05:19:33 **Motion:** Rep. MacLaren moved that **HB 403 BE AMENDED**.
[EXHIBIT](#)(loh39a28)

Discussion:

05:20:22 Rep. MacLaren
05:21:01 Rep. O'Neil
05:21:23 Helen Thigpen
05:21:41 Rep. Stahl
05:21:48 Rep. MacLaren
05:22:05 Rep. Hansen

05:22:08 Rep. Moore
 05:22:32 Rep. Lavin
 05:22:46 Rep. MacLaren
 05:23:01 Glen Oppel
 05:23:18 Helen Thigpen
 05:23:48 Glen Oppel
 05:24:01 Helen Thigpen

05:24:31 **Vote:** Motion carried 15-5 by voice vote with Rep. Berry, Rep. Knox, Rep. More, Rep. O'Neil and Rep. Skees voting no.

05:25:02 **Motion:** Rep. More moved that **HB 403 DO PASS AS AMENDED.**

Discussion:

05:25:10 Rep. Rosendale
 05:25:35 Rep. Stahl
 05:26:36 Rep. MacLaren

05:26:41 **Vote:** Motion carried 15-5 by voice vote with Rep. Knox, Rep. Lavin, Rep. More, Rep. O'Neil and Rep. Skees voting no.

EXECUTIVE ACTION ON HB 465

05:28:04 Helena Thigpen
 05:28:15 Rep. Reinhart

05:28:57 **Motion:** Rep. More moved that **HB 465 DO PASS.**

05:29:09 **Substitute Motion/Vote:** Rep. Vance made a substitute motion that **HB 465 BE TABLED.** Substitute Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 592

05:30:00 **Motion:** Rep. Stahl moved that **HB 592 DO PASS.**

05:30:06 **Substitute Motion:** Rep. Reinhart moved that **HB 592 BE TABLED.**

Discussion:

05:30:11 Rep. MacLaren
 05:30:28 Rep. Stahl
 05:30:50 Rep. Bennett

05:31:05 **Vote:** Motion failed 10-10 by roll call vote with Rep. Bangerter, Rep. Barrett, Rep. Bennett, Rep. Greef, Rep. MacLaren, Rep. Malek, Rep. McNally, Rep. More, Rep. Reinhart and Rep. Swanson voting aye.

Discussion:

05:32:24 Rep. Knox
 05:32:56 Rep. Barrett

05:33:42 Rep. Vance
 05:34:12 Rep. MacLaren
 05:34:28 Rep. Moore
 05:35:38 Rep. Stahl
 05:35:57 Rep. Hansen
 05:36:06 Rep. MacLaren
 05:36:27 Helen Thigpen
 05:36:53 Rep. Hansen
 05:36:58 Helen Thigpen
 05:37:04 Rep. Vance
 05:37:24 Rep. MacLaren
 05:37:43 Helen Thigpen
 05:37:50 Rep. Malek
 05:37:57 Helen Thigpen
 05:38:13 Rep. Malek
 05:38:31 Helen Thigpen
 05:38:35 Rep. MacLaren
 05:38:52 Rep. Moore
 05:39:44 Rep. O'Neil

05:41:26 **Vote:** Motion failed 10-10 by roll call vote with Rep. Berry, Rep. Hansen, Rep. Ingraham, Rep. Knox, Rep. Lavin, Rep. O'Neil, Rep. Rosendale, Rep. Skees, Rep. Stahl and Rep. Vance voting aye.

EXECUTIVE ACTION ON HB 575

05:42:49 **Motion:** Rep. Hansen moved that **HB 575 DO PASS.**

05:43:05 **Motion/Vote:** Rep. Hansen moved that **HB 575 BE AMENDED.** Motion carried unanimously by voice vote.

05:43:29 **Motion/Vote:** Rep. Hansen moved that **HB 575 DO PASS AS AMENDED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 546

05:44:06 **Motion:** Rep. More moved that **HB 546 DO PASS.**

Discussion:

05:44:19 Rep. McNalley
 05:45:00 Rep. Skees
 05:45:22 Rep. Barrett
 05:46:01 Rep. Hansen

05:46:45 **Vote:** Motion failed 5-15 by roll call vote with Rep. Hansen, Rep. Knox, Rep. O'Neil, Rep. Stahl and Rep. Vance voting aye.

05:48:03 **Motion/Vote:** Rep. Bangerter moved that **HB 546 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 522

05:48:41 **Motion:** Rep. More moved that **HB 522 DO PASS**.

Discussion:

05:48:54 Rep. Skees

05:49:29 Rep. MacLaren

05:49:45 Rep. Ingraham

05:50:20 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 542

05:50:50 **Motion:** Rep. More moved that **HB 542 DO PASS**.

Discussion:

05:50:59 Rep. Reinhart

05:52:31 Rep. Knox

05:53:09 Rep. Skees

05:54:03 Rep McNalley

05:54:44 Rep. Stahl

05:55:22 **Vote:** Motion carried 12-8 by roll call vote with Rep. Barrett, Rep. Bennett, Rep. Ingraham, Rep. MacLaren, Rep. Malek, Rep. McNally, Rep. Reinhart and Rep. Swanson voting no.

EXECUTIVE ACTION ON HB 510

05:56:56 **Motion/Vote:** Rep. Knox moved that **HB 510 BE TABLED**. Motion carried 19-1 by voice vote with Rep. O'Neil voting no.

EXECUTIVE ACTION ON HB 494

05:57:32 **Motion:** Rep. More moved that **HB 494 DO PASS**.

Discussion:

05:57:39 Rep. Reinhart

05:58:18 **Motion/Vote:** Rep. More moved that **HB 494 BE AMENDED**. Motion carried unanimously by voice vote.

05:58:35 **Motion:** Rep. More moved that **HB 494 DO PASS AS AMENDED**.

Discussion:

05:58:44 Rep. Ingraham
 05:59:26 Rep. Skees
 05:59:41 Rep. MacLaren
 06:00:17 Rep. Hansen
 06:00:23 Rep. Maclaren
 06:00:43 Rep. O'Neil
 06:01:06 Rep. Reinhart
 06:02:05 Rep. Moore
 06:02:38 Rep. Stahl

06:03:04 **Vote:** Motion carried 17-3 by roll call vote with Rep. Bennett, Rep. Reinhart and Rep. Swanson voting no.

EXECUTIVE ACTION ON HB 459

06:04:20 **Motion:** Rep. More moved that **HB 459 DO PASS.**

Discussion:

06:04:28 Helen Thigpen
 06:05:18 Rep. Reinhart
 06:05:36 Helen Thigpen
 06:05:50 Rep. Stahl

06:06:07 **Vote:** Motion carried 11-9 by roll call vote with Rep. Barrett, Rep. Bennett, Rep. Berry, Rep. Malek, Rep. McNally, Rep. O'Neil, Rep. Reinhart, Rep. Stahl and Rep. Swanson voting no.

EXECUTIVE ACTION ON HB 430

06:07:52 **Motion/Vote:** Rep. More moved that **HB 430 DO PASS.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 391

06:08:58 **Motion:** Rep. More moved that **HB 391 DO PASS.**

Discussion:

06:09:05 Rep. Lavin
 06:10:05 Rep. Barrett
 06:10:55 Rep. Bennett
 06:11:10 Rep. Lavin
 06:11:18 Rep. Bennett

06:11:56 **Vote:** Motion carried 15-5 by roll call vote with Rep. Barrett, Rep. Bennett, Rep. Malek, Rep. Reinhart and Rep. Swanson voting no.

EXECUTIVE ACTION ON HB 552

06:13:16 **Motion:** Rep. More moved that **HB 552 DO PASS.**

06:13:23 **Motion:** Rep. Skees moved that **HB 552 BE AMENDED.**
EXHIBIT(loh39a29)

Discussion:

06:14:03 Helen Thigpen

06:14:12 Rep. Skees

06:15:23 Rep. MacLaren

06:15:51 Rep Skees

06:15:55 **Substitute Motion/Vote:** Rep. More made a substitute motion that **HB 552 BE TABLED.** Substitute Motion carried 16-4 by voice vote with Rep. Bennett, Rep. McNally, Rep. O'Neil and Rep. Reinhart voting no.

EXECUTIVE ACTION ON HB 508

06:17:09 **Motion:** Rep. More moved that **HB 508 DO PASS.**

06:17:23 **Substitute Motion/Vote:** Rep. Knox made a substitute motion that **HB 508 BE TABLED.** Substitute Motion failed 5-15 by roll call vote with Rep. Knox, Rep. MacLaren, Rep. O'Neil, Rep. Rosendale and Rep. Stahl voting aye.

Discussion:

06:19:14 Rep. Knox

06:20:02 Rep. Skees

06:20:23 Rep. O'Neil

06:21:18 Rep. McNally

06:23:17 Rep. Lavin

06:23:31 Rep. Maclaren

06:23:42 Rep. Stahl

06:24:45 Rep. Hansen

06:25:15 Rep. MacLaren

06:25:40 Rep. McNally

06:26:23 **Vote:** Motion failed 10-10 by roll call vote with Rep. Bangerter, Rep. Barrett, Rep. Bennett, Rep. Berry, Rep. Lavin, Rep. MacLaren, Rep. Malek, Rep. McNally, Rep. More and Rep. Swanson voting aye.

EXECUTIVE ACTION ON HB 538

Motion/Vote: Rep. More moved that **HB 538 DO PASS.** Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 06:29:20

Phoebe Williams, Secretary

pw

Additional Documents:

EXHIBIT([loh39aad.pdf](#))



MISSOULA RURAL FIRE DISTRICT

2521 South Avenue West • Missoula, Montana 59804

(406) 549-6172 • FAX (406) 549-6023

www.mrfdfire.org

EXHIBIT 1
DATE 2-17-11
HB 508

2-16-2011

Chairman Gary MacLaren
Montana House of Representatives
P.O. Box 200400
Helena, Montana 59620

Dear Chairman MacLaren and members of Local Government Committee:

The Board of Trustees of The Missoula Rural Fire District would like to offer this letter in support of the passage of HB 508. We feel that the firefighters are the most valuable asset of any fire district. Firefighting is an inherently dangerous profession and we want our firefighters to be adequately protected, should they be injured in the line of duty.

Firefighters who work for Municipal Fire Departments in Montana are already afforded this protection. The Missoula Rural Fire District Board of Trustees feels that this same protection should be provided to firefighters employed by fire districts. This protection would not impose an additional financial burden on The Missoula Rural Fire District.

On January 11, 2011, in the course of our regular monthly meeting, The Missoula Rural Fire District Board of Trustees unanimously decided to support this important legislation. Once HB 508 is passed, we will rest easier knowing our firefighters and their families will be supported in the event a firefighter is injured while on duty.

Sincerely,

Cheryl Hanson, Chair
Missoula Rural Fire Board of Trustees



MISSOULA RURAL FIRE DISTRICT

2521 South Avenue West • Missoula, Montana 59804
(406) 549-6172 • FAX (406) 549-6023

2-16-2011

Honorable Members of the Local Government Committee
Montana State Capitol Building
Helena, MT 59601

Re: HB 508, **PLEASE SUPPORT HB 508**

Dear Committee Members:

The Missoula Rural Fire District would appreciate and highly endorses the passage of HB508. As you know, in the fire service, our personnel and the ability for our firefighters to be adequately protected if injured on the job is of the utmost importance. It is the very least we can do to help protect them while providing such an essential service to our communities.

We believe it is vital that this piece of legislation be passed so that fire fighters in fire districts are allowed to have the same protection afforded as in the Montana municipal fire departments if injured on the job.

The Missoula Rural Fire District strongly supports this legislation and would appreciate its passage so that if one of our firefighters is injured, that they will be taken care of along with their family and children while the appropriate recovery time is being completed.

The Missoula Rural Fire District, or the State of Montana, would not incur any additional financial impact if this legislation moves forward and is passed.

The Missoula Rural Fire District fire administration along with our Board of Trustees support this legislation and if you have any questions or need anything from us, please don't hesitate to call on us.

Most sincerely,



Brent L. Christopherson
Assistant Chief

BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

HOUSE LOCAL GOVERNMENT COMMITTEE

Date: Thursday, February 17, 2011

Place: Capitol

Time: 3:00 PM

Room: 172

BILLS and RESOLUTIONS HEARD:

- HB 391 - Prohibit local initiative from establishing priority of enforcement of state law
- HB 430 - Revise laws regarding administration of conservation districts
- HB 459 - Provide volunteer exemption of liability to county government
- HB 494 - Revise laws relating to subdivision exemptions
- HB 508 - Require payment of partial salary to injured rural firefighter
- HB 510 - Revise requirements for organizing a municipality - eliminate 3 mile rule.
- HB 522 - Extend approval of subdivision application to mutually agreed upon time.
- HB 538 - Providing for sale of bonds at public or private sale
- HB 542 - Revise subdivision and platting act
- HB 546 - Revise laws to prohibit local government competition with private sector
- HB 552 - Provide workers' comp to volunteer firefighters and EMS workers
- HB 575 - Generally revise annexation laws
- HB 592 - Revise subdivision law - define tract of record - provide exemption from review

EXECUTIVE ACTION TAKEN:

- HB 373 - Revising laws relating to county water and sewer district boards
- HB 380 - Revise laws related to water and waste water systems and districts
- HB 391 - Prohibit local initiative from establishing priority of enforcement of state law
- HB 400 - Revise emergency response laws including fee
- HB 403 - Revise cluster development law
- HB 430 - Revise laws regarding administration of conservation districts
- HB 459 - Provide volunteer exemption of liability to county government
- HB 494 - Revise laws relating to subdivision exemptions
- HB 508 - Require payment of partial salary to injured rural firefighter
- HB 510 - Revise requirements for organizing a municipality - eliminate 3 mile rule.
- HB 522 - Extend approval of subdivision application to mutually agreed upon time.
- HB 538 - Providing for sale of bonds at public or private sale
- HB 542 - Revise subdivision and platting act
- HB 546 - Revise laws to prohibit local government competition with private sector
- HB 552 - Provide workers' comp to volunteer firefighters and EMS workers
- HB 575 - Generally revise annexation laws
- HB 592 - Revise subdivision law - define tract of record - provide exemption from review



REP. Gary MacLaren, Chair

HOUSE OF REPRESENTATIVES
Roll Call
LOCAL GOVERNMENT COMMITTEE

DATE: 2.17.11

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. GARY MACLAREN, CHAIR	✓	
REP. MICHAEL MORE, VICE CHAIR	✓	
REP. MICHELE REINHART, VICE CHAIR	✓	
REP. LIZ BANGERTER	✓	
REP. DICK BARRETT	✓	
REP. BRYCE BENNETT	✓	
REP. TOM BERRY	✓	
REP. EDWARD GREEF	✓	
REP. KRISTIN HANSEN	✓	
REP. PAT INGRAHAM	✓	
REP. JAMES KNOX	✓	
REP. STEVE LAVIN	✓	
REP. SUE MALEK	✓	
REP. MARY MCNALLY	✓	
REP. JERRY O'NEIL	✓	
REP. MATTHEW ROSENDALE		<i>Excused</i>
REP. DEREK SKEES	✓	
REP. WAYNE STAHL	✓	
REP. KATHY SWANSON	✓	
REP. GORDON VANCE	✓	

BILL TABLED NOTICE

HOUSE LOCAL GOVERNMENT COMMITTEE

The HOUSE LOCAL GOVERNMENT COMMITTEE TABLED HB 373 - Revising laws relating to county water and sewer district boards HB 400 - Revise emergency response laws including fee

✓ HB 465 - Allow development agreements

HB 510 - Revise requirements for organizing a municipality - eliminate 3 mile rule.

✓ HB 546 - Revise laws to prohibit local government competition with private sector

✓ HB 552 - Provide workers' comp to volunteer firefighters and EMS workers

, by motion, on Thursday, February 17, 2011.

Comments: Votes are as follows to Table HB 373 20-0 HB 400 20-0 HB 465 20-0
HB 546 15-5 HB 510 10-1 HB 552 16-4. The following did not pass
out of committee due to a tie vote HB 508 and HB 592.



(For the Committee)



(For the Chief Clerk of the House)

9:45 2/19

(Time)

(Date)

February 19, 2011

Phoebe Williams, Secretary

Phone: 1512



HOUSE STANDING COMMITTEE REPORT

February 17, 2011

Page 1 of 3

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 380** (first reading copy - white) do pass as amended.

Signed: _____

Gary MacLaren
Representative Gary MacLaren, Chair

And, that such amendments read:

1. Title, page 1, line 5.

Following: "LAWS; " on line 4

Strike: "ELIMINATING SALARY SCHEDULES FOR WATER AND SEWER DISTRICT BOARDS; GRANTING WATER AND SEWER DISTRICT BOARDS THE ABILITY TO SET THEIR OWN SALARIES;"

Insert: "REVISING THE METHOD OF ESTABLISHING THE MONTHLY SALARY FOR A MEMBER OF THE BOARD OF DIRECTORS OF A COUNTY WATER AND SEWER DISTRICT; PROVIDING THAT A BOARD MEMBER MAY RECEIVE A CERTAIN SALARY IF PROPOSED BY THE PRESIDENT OF THE BOARD AND APPROVED BY THE MEMBERS OF THE DISTRICT; CLARIFYING THE DUTIES OF BOARD PRESIDENTS; AUTHORIZING A VOTE ON THE MONTHLY SALARY OF BOARD MEMBERS;"

2. Title, page 1, line 12.

Following: "7-3-4302,"

Insert: "7-13-2225,"

Following: "7-13-2262,"

Insert: "7-13-2272, 7-13-2273,"

3. Title, page 1, line 13.

Strike: "7-13-2273,"

Following: "7-13-4208"

Strike: ", "

4. Page 1, line 17 through line 18.

Strike: section 1 in its entirety

Committee Vote:

Yes 20, No 0

Fiscal Note Required ☐

HB0380001SC.hgh

*2/18
9:50*

Renumber: subsequent sections

5. Page 2, line 14.

Following: line 13

Insert: "Section 3. Section 7-13-2225, MCA, is amended to read:

"7-13-2225. Combination of elections. (1) The board of county commissioners in its discretion may combine in one election the election on the formation of the district, the election of directors, ~~and the election on incurring a bonded indebtedness,~~ and, if applicable, the vote on the proposed monthly salary for members of the board of directors so that the electors of the district may vote on all of these matters on the same date and at the same time.

(2) If the elections are combined, the board of county commissioners shall so declare by resolution containing the provisions required by 7-13-2321. If the elections are combined, the notice of the election ~~shall~~ must contain the names of the candidates, ~~and the details concerning the bonded indebtedness,~~ and, if applicable, the proposed monthly salary for members of the board of directors as provided in 7-13-2273.

(3) Candidates for the office of director shall be nominated in the manner required by 7-13-2241 and 7-13-2246.""

Renumber: subsequent sections

6. Page 2, line 24.

Strike: "2"

Insert: "1"

7. Page 3, line 4.

Following: line 3

Insert: "Section 5. Section 7-13-2272, MCA, is amended to read:

"7-13-2272. Duties of board president. (1) The president shall sign all contracts on behalf of the district and perform ~~such~~ other duties as may be imposed by the board of directors.

(2) The president may propose a monthly salary for the members of the board of directors. The proposed monthly salary must be approved by the voters in the district pursuant to 7-13-2273."

Insert: "Section 6. Section 7-13-2273, MCA, is amended to read:

"7-13-2273. Compensation of members of board -- approval by voters of district. (1) Each of the members of the board of directors ~~shall~~ must receive a monthly salary ~~that may not exceed the following amounts:~~

~~(1) \$60 in districts with a population of no more than 500 persons;~~

~~(2) \$80 in districts with a population that exceeds 500 but is no more than 5,000 persons; and~~

~~(3) \$100 in districts with a population of more than 5,000 persons.~~ in an amount proposed by the president of the board and approved by a majority of the qualified voters of the district by

one of the following methods:

(a) a vote by mail ballot, as provided in Title 13, chapter 19;

(b) a vote held in conjunction with a regular or primary election; or

(c) a vote at an annual organizational meeting of the district.

(2) A newly elected member of the board of directors must receive a monthly salary equal to the most recent amount approved by the qualified voters of the district pursuant to this section.

(3) A vote on the question of the proposed salary for members of the board of directors may be held in combination with the elections provided in 7-13-2225 if the vote is conducted by mail ballot or held in conjunction with a regular or primary election.

(4)(a) Notice of the vote on the proposed monthly salary for the members of the board of directors must be provided to the members of the district and state the following:

(i) the date on which the vote will be held;

(ii) the manner in which the vote will be held;

(iii) the amount of the proposed monthly salary for the members of the board of directors; and

(iv) any other information regarding the vote that may be necessary.

(b) The notice must be published as provided in 13-1-108.

(5) For purposes of this section, "qualified voters of the district" means the voters qualified to vote on the question of the creation of the district as provided in 7-13-2212."

Renumber: subsequent subsections

8. Page 7, line 5.

Strike: line 5

9. Page 7, line 9.

Following: "instruction."

Strike: "[Sections 1 and 2] are"

Insert: "[Section 1] is"

10. Page 7, line 11.

Strike: "[sections 1 and 2]"

Insert: "[section 1]"

- END -



HOUSE STANDING COMMITTEE REPORT

February 17, 2011

Page 1 of 2

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 403** (first reading copy - white) do pass as amended.

Signed: _____

Gary MacLaren
Representative Gary MacLaren, Chair

And, that such amendments read:

1. Title, page 1, line 7.

Strike: "CONSERVATION EASEMENT"

Insert: "COVENANT"

Following: "AMENDING" on line 7

Strike: "SECTION"

Insert: "SECTIONS 70-17-203 AND"

2. Page 1, line 11.

Following: line 10

Insert: "Section 1. Section 70-17-203, MCA, is amended to read:

"70-17-203. **Covenants that run with land.** (1) Except as provided in 70-1-522, every covenant contained in a grant of an estate in real property that is made for the direct benefit of the property or some part of the property then in existence runs with the land.

(2) Subsection (1) includes:

(a) covenants of warranty, for quiet enjoyment, or for further assurance on the part of the grantor and covenants for the payment of rent or of taxes or assessments upon the land on the part of a grantee; **and**

(b) conservation easements pursuant to 76-6-209- or

(c) a dedication of open space as provided in 76-3-509.

(3) A covenant for the addition of some new thing to real property or for the direct benefit of some part of the property not then in existence or annexed to the property, when contained in a grant of an estate in the property and made by the covenantor expressly for the covenantor's assigns or to the

Committee Vote:

Yes 15, No 5

Fiscal Note Required ☐

HB0403001SC.hgh

Handwritten initials and date:
JF 2/18
12pm

assigns of the covenantee, runs with the land so far as the assigns mentioned are concerned.""

Renumber: subsequent sections

3. Page 1, line 22 through line 23.

Following: "irrevocable" on line 22

Strike: "easement,"

Following: "covenant" on line 22

Strike: ", deed restriction, or other servitude or instrument"

4. Page 1, line 24.

Following: "parcels" on line 24

Insert: ", as provided in Title 70, chapter 17, part 2"

- END -



HOUSE STANDING COMMITTEE REPORT

February 17, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 575** (first reading copy - white) **do pass as amended.**

Signed: _____

Gary MacLaren
Representative Gary MacLaren, Chair

And, that such amendments read:

1. Page 5, line 2 through line 8.

Strike: subsection (6) in its entirety

2. Page 5, line 22.

Insert: "(4) (a) If fire protection services in the area to be annexed have been provided by a fire district organized under Title 7, chapter 33, part 21, the plan must include provisions for coordinating the transfer of fire protection services to the municipality and compensating the district, if necessary, for equipment and district expenses.

(b) Upon transfer of fire protection services, the existing boundaries of a rural fire district may be altered or the fire district may be dissolved as provided in 7-33-2401.

(c) Transfer of fire protection services from a fire district that has been in existence for more than 10 years at the time of the proposed annexation may not occur until 5 years after the annexation is finalized."

- END -

Committee Vote:

Yes 20, No 0

Fiscal Note Required ☐

HB0575001SC.hgh

11/2/18
11/9/30



HOUSE STANDING COMMITTEE REPORT

February 17, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 522** (first reading copy -
- white) **do pass**.

Signed: _____

Gary MacLaren
Representative Gary MacLaren, Chair

- END -

Committee Vote:

Yes 20, No 0

Fiscal Note Required ☐

HB0522001SC.hgh

2/18
a.p.



HOUSE STANDING COMMITTEE REPORT

February 17, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 542** (first reading copy -
- white) do pass.

Signed: _____

Gary MacLaren
Representative Gary MacLaren, Chair

- END -

Committee Vote:

Yes 12, No 8

Fiscal Note Required ____

HB0542001SC.hgh

2/18
9:50



HOUSE STANDING COMMITTEE REPORT

February 17, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 494** (first reading copy - white) do pass as amended.

Signed: _____

Gary MacLaren
Representative Gary MacLaren, Chair

And, that such amendments read:

1. Page 1, line 14 through line 15.

Strike: "owned" on line 14 through "person" on line 15

Insert: "in the same ownership"

- END -

Committee Vote:

Yes 17, No 3

Fiscal Note Required ____

HB0494001SC.hgh

2/18
9:50



HOUSE STANDING COMMITTEE REPORT

February 17, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 459** (first reading copy -
- white) **do pass**.

Signed: _____

Gary MacLaren
Representative Gary MacLaren, Chair

- END -

Committee Vote:

Yes 11, No 9

Fiscal Note Required ☐

HB0459001SC.hgh

*2/18
a:50*



HOUSE STANDING COMMITTEE REPORT

February 17, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 430** (first reading copy -
- white) **do pass**.

Signed: _____

Gary MacLaren
Representative Gary MacLaren, Chair

- END -

Committee Vote:

Yes 20, No 0

Fiscal Note Required ☐

HB0430001SC.hgh

2/18
9:50



HOUSE STANDING COMMITTEE REPORT

February 17, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 391** (first reading copy -
- white) **do pass**.

Signed: _____

Gary MacLaren
Representative Gary MacLaren, Chair

- END -

Committee Vote:

Yes 15, No 5

Fiscal Note Required ☐

HB0391001SC.hgh

11/2/14
a.3



HOUSE STANDING COMMITTEE REPORT

February 17, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 538** (first reading copy -
- white) **do pass**.

Signed: _____

Gary MacLaren
Representative Gary MacLaren, Chair

- END -

Committee Vote:

Yes 20, No 0

Fiscal Note Required ☐

HB0538001SC.hgh

11/2/18
9:50

HOUSE OF REPRESENTATIVES
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE: 2.17.11 BILL NO HB 592 MOTION NO. 2
MOTION: Table 592

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. GARY MACLAREN, CHAIR	✓		
REP. MICHAEL MORE, VICE CHAIR	✓		
REP. MICHELE REINHART, VICE CHAIR	✓		
REP. LIZ BANGERTER	✓		
REP. DICK BARRETT	✓		
REP. BRYCE BENNETT	✓		
REP. TOM BERRY		✓	
REP. EDWARD GREEF	✓		
REP. KRISTIN HANSEN		✓	
REP. PAT INGRAHAM		✓	
REP. JAMES KNOX		✓	
REP. STEVE LAVIN		✓	
REP. SUE MALEK	✓		
REP. MARY MCNALLY	✓		
REP. JERRY O'NEIL		✓	
REP. MATTHEW ROSENDALE		✓	
REP. DEREK SKEES		✓	
REP. WAYNE STAHL		✓	
REP. KATHY SWANSON	✓		
REP. GORDON VANCE		✓	

10

10

HOUSE OF REPRESENTATIVES
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE: 2-17-11 BILL NO HB 592 MOTION NO. 1
MOTION: Do Pass

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. GARY MACLAREN, CHAIR		✓	
REP. MICHAEL MORE, VICE CHAIR		✓	
REP. MICHELE REINHART, VICE CHAIR		✓	
REP. LIZ BANGERTER		✓	
REP. DICK BARRETT		✓	
REP. BRYCE BENNETT		✓	
REP. TOM BERRY	✓		
REP. EDWARD GREEF		✓	
REP. KRISTIN HANSEN	✓		
REP. PAT INGRAHAM	✓		
REP. JAMES KNOX	✓		
REP. STEVE LAVIN	✓		
REP. SUE MALEK		✓	
REP. MARY MCNALLY		✓	
REP. JERRY O'NEIL	✓		
REP. MATTHEW ROSENDALE	✓		
REP. DEREK SKEES	✓		
REP. WAYNE STAHL	✓		
REP. KATHY SWANSON		✓	
REP. GORDON VANCE	✓		

10

10

HOUSE OF REPRESENTATIVES
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE: 2.17.11 BILL NO HB 546 MOTION NO. 1

MOTION: HB 546 Do Pass

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. GARY MACLAREN, CHAIR		✓	
REP. MICHAEL MORE, VICE CHAIR		✓	
REP. MICHELE REINHART, VICE CHAIR		✓	
REP. LIZ BANGERTER		✓	
REP. DICK BARRETT		✓	
REP. BRYCE BENNETT		✓	
REP. TOM BERRY		✓	
REP. EDWARD GREEF		✓	
REP. KRISTIN HANSEN	✓		
REP. PAT INGRAHAM		✓	
REP. JAMES KNOX	✓		
REP. STEVE LAVIN		✓	
REP. SUE MALEK		✓	
REP. MARY MCNALLY		✓	
REP. JERRY O'NEIL	✓		
REP. MATTHEW ROSENDALE		✓	
REP. DEREK SKEES		✓	
REP. WAYNE STAHL	✓		
REP. KATHY SWANSON		✓	
REP. GORDON VANCE	✓		

5

15

HOUSE OF REPRESENTATIVES
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE: 2.17.11 BILL NO HB 542 MOTION NO. 1

MOTION: HB 542 Do Pass

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. GARY MACLAREN, CHAIR		✓	
REP. MICHAEL MORE, VICE CHAIR	✓		
REP. MICHELE REINHART, VICE CHAIR		✓	
REP. LIZ BANGERTER	✓		
REP. DICK BARRETT		✓	
REP. BRYCE BENNETT		✓	
REP. TOM BERRY	✓		
REP. EDWARD GREEF	✓		
REP. KRISTIN HANSEN	✓		
REP. PAT INGRAHAM		✓	
REP. JAMES KNOX	✓		
REP. STEVE LAVIN	✓		
REP. SUE MALEK		✓	
REP. MARY MCNALLY		✓	
REP. JERRY O'NEIL	✓		
REP. MATTHEW ROSENDALE	✓		
REP. DEREK SKEES	✓		
REP. WAYNE STAHL	✓		
REP. KATHY SWANSON		✓	
REP. GORDON VANCE	✓		

12

8

HOUSE OF REPRESENTATIVES
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE: 2.17.11 BILL NO HB 494 MOTION NO. 3

MOTION: HB 494 Do Pass As Amended

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. GARY MACLAREN, CHAIR	✓		
REP. MICHAEL MORE, VICE CHAIR	✓		
REP. MICHELE REINHART, VICE CHAIR		✓	
REP. LIZ BANGERTER	✓		
REP. DICK BARRETT	✓		
REP. BRYCE BENNETT		✓	
REP. TOM BERRY	✓		
REP. EDWARD GREEF	✓		
REP. KRISTIN HANSEN	✓		
REP. PAT INGRAHAM	✓		
REP. JAMES KNOX	✓		
REP. STEVE LAVIN	✓		
REP. SUE MALEK	✓		
REP. MARY MCNALLY	✓		
REP. JERRY O'NEIL	✓		
REP. MATTHEW ROSENDALE	✓		
REP. DEREK SKEES	✓		
REP. WAYNE STAHL	✓		
REP. KATHY SWANSON		✓	
REP. GORDON VANCE	✓		

17

3

HOUSE OF REPRESENTATIVES
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE: 2.17.11 BILL NO HB 459 MOTION NO. 1
MOTION: HB 459 Do Pass

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. GARY MACLAREN, CHAIR	✓		
REP. MICHAEL MORE, VICE CHAIR	✓		
REP. MICHELE REINHART, VICE CHAIR		✓	
REP. LIZ BANGERTER	✓		
REP. DICK BARRETT		✓	
REP. BRYCE BENNETT		✓	
REP. TOM BERRY		✓	
REP. EDWARD GREEF	✓		
REP. KRISTIN HANSEN	✓		
REP. PAT INGRAHAM	✓		
REP. JAMES KNOX	✓		
REP. STEVE LAVIN	✓		
REP. SUE MALEK		✓	
REP. MARY MCNALLY		✓	
REP. JERRY O'NEIL		✓	
REP. MATTHEW ROSENDALE	✓		
REP. DEREK SKEES	✓		
REP. WAYNE STAHL		✓	
REP. KATHY SWANSON		✓	
REP. GORDON VANCE	✓		

11 9

HOUSE OF REPRESENTATIVES
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE: 2-17-11 BILL NO HB 391 MOTION NO. 1
MOTION: HB 391 Do Pass

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. GARY MACLAREN, CHAIR	✓		
REP. MICHAEL MORE, VICE CHAIR	✓		
REP. MICHELE REINHART, VICE CHAIR		✓	
REP. LIZ BANGERTER	✓		
REP. DICK BARRETT		✓	
REP. BRYCE BENNETT		✓	
REP. TOM BERRY	✓		
REP. EDWARD GREEF	✓		
REP. KRISTIN HANSEN	✓		
REP. PAT INGRAHAM	✓		
REP. JAMES KNOX	✓		
REP. STEVE LAVIN	✓		
REP. SUE MALEK		✓	
REP. MARY MCNALLY	✓		
REP. JERRY O'NEIL	✓		
REP. MATTHEW ROSENDALE	✓		
REP. DEREK SKEES	✓		
REP. WAYNE STAHL	✓		
REP. KATHY SWANSON		✓	
REP. GORDON VANCE	✓		

15

5

HOUSE OF REPRESENTATIVES
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE: 2.17.11 BILL NO HB 508 MOTION NO. 2

MOTION: _____
HB 508 Be Tabled

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. GARY MACLAREN, CHAIR	✓		
REP. MICHAEL MORE, VICE CHAIR		✓	
REP. MICHELE REINHART, VICE CHAIR		✓	
REP. LIZ BANGERTER		✓	
REP. DICK BARRETT		✓	
REP. BRYCE BENNETT		✓	
REP. TOM BERRY		✓	
REP. EDWARD GREEF		✓	
REP. KRISTIN HANSEN		✓	
REP. PAT INGRAHAM		✓	
REP. JAMES KNOX	✓		
REP. STEVE LAVIN		✓	
REP. SUE MALEK		✓	
REP. MARY MCNALLY		✓	
REP. JERRY O'NEIL	✓		
REP. MATTHEW ROSENDALE	✓		
REP. DEREK SKEES		✓	
REP. WAYNE STAHL	✓		
REP. KATHY SWANSON		✓	
REP. GORDON VANCE		✓	

5

15

HOUSE OF REPRESENTATIVES
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE: 2-17-11 BILL NO HB 508 MOTION NO. 1
MOTION: HB 508 Do Pass

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. GARY MACLAREN, CHAIR	✓		
REP. MICHAEL MORE, VICE CHAIR		✓	
REP. MICHELE REINHART, VICE CHAIR	✓		
REP. LIZ BANGERTER	✓		
REP. DICK BARRETT	✓		
REP. BRYCE BENNETT	✓		
REP. TOM BERRY	✓		
REP. EDWARD GREEF		✓	
REP. KRISTIN HANSEN		✓	
REP. PAT INGRAHAM		✓	
REP. JAMES KNOX		✓	
REP. STEVE LAVIN	✓		
REP. SUE MALEK	✓		
REP. MARY MCNALLY	✓		
REP. JERRY O'NEIL		✓	
REP. MATTHEW ROSENDALE		✓	
REP. DEREK SKEES		✓	
REP. WAYNE STAHL		✓	
REP. KATHY SWANSON	✓		
REP. GORDON VANCE		✓	

10

10

MONTANA House of Representatives Visitors Register

Thursday, February 17, 2011

HB 391 - Prohibit local initiative from establishing priority of enforcement of state law

Sponsor: Representative Tom Berry

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE LOCAL GOVERNMENT COMMITTEE

Thursday, February 17, 2011

HB 430 - Revise laws regarding administration of conservation districts

Sponsor: Representative Cleve Loney

PLEASE PRINT

Name	Representing	Support	Oppose
JEFF TIBERI	MACD	X	
Alan Reilo	CCCD	X	
Lauri Zeller	DWRC - Information only		
John Chase	Cascade Co CD	LO	
Gayla Webman	Cascade Co CD	✓	
HAROLD BLATTIS	MACD	✓	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE LOCAL GOVERNMENT COMMITTEE

Thursday, February 17, 2011

HB 459 - Provide volunteer exemption of liability to county government

Sponsor: Representative Mark Blasdel

PLEASE PRINT

Name	Representing	Support	Oppose
JEFF TIBERI	MAED	X	
Alan Rollo	CCCD	X	
Al Smith	MTLHA		X
Gayle Westman	CCCD	X	
Harold Blatter	MAED	X	
LINDA STOLL	MISSOULA COUNTY	✓	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE LOCAL GOVERNMENT COMMITTEE

Thursday, February 17, 2011

HB 494 - Revise laws relating to subdivision exemptions

Sponsor: Representative Champ Edmunds

PLEASE PRINT

Name	Representing	Support	Oppose
Clean Oppel	MT Realtors	X	
Tara DePuy	MACO		X
Sterling Miller	Purround Ranch	✓	
Suzanne Miller	"	✓	
Bill Decker/By Sterling	Self	✓	
Kathryn Gestrin	Self	✓	
Terry Nelson	Self	X	
JOE ROBERTS	MARLS	x	
Kim Chambers	Self	X	
Leon Chambers	Self	X	
Mike Fellows	MT LP	X	
Bret George	landowner in Msla County	X	
LINDA STOLL	Missoula County / MT Assoc ^{of} Planners		INFORMATION ✓
DUSTIN STEWART	MT Building Industry	X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**MONTANA House of Representatives
Visitors Register
HOUSE LOCAL GOVERNMENT COMMITTEE**

Thursday, February 17, 2011

HB 508 - Require payment of partial salary to injured rural firefighter

Sponsor: Representative Mary McNally

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**MONTANA House of Representatives
Visitors Register
HOUSE LOCAL GOVERNMENT COMMITTEE**

Thursday, February 17, 2011

HB 510 - Revise requirements for organizing a municipality - eliminate 3 mile rule.

Sponsor: Representative James Knox

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives Visitors Register

Thursday, February 17, 2011

HB 522 - Extend approval of subdivision application to mutually agreed upon time.

Sponsor: Representative Douglas (Doug) Kary

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives

HOUSE LOCAL GOVERNMENT COMMITTEE

Thursday, February 17, 2011

HB 538 - Providing for sale of bonds at public or private sale

Sponsor: Representative Ken Peterson

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE LOCAL GOVERNMENT COMMITTEE

Thursday, February 17, 2011

HB 542 - Revise subdivision and platting act

Sponsor: Representative John Esp

PLEASE PRINT

Name	Representing	Support	Oppose
Glenn Dyer	MT Realtors	X	
Tara Delaney	M A Co		X
Terry Nelson		X	
George [unclear]	Self	X	
Paul [unclear]	Self	X	
Ruth Link	MOR	X	
Amy Jo Fisher		X	
Ken Jenkins	Planner	X	
Sophia Lepore	Community Food & Agriculture Coalition - Missoula Co.		X
Jim [unclear]	Self		X
BECK [unclear]	T THIRTEEN MILE FARM		X
City of missou John MacDonald / Missoula			X
JOE ROBERT	MARLS	X	
LINDA STOLL	Missoula County - MT Assn Planners		X
Justin Stewart	MT Building Industry	X	
Janet Ellis	MT Audubon		X
Dick Thweatt	MT Smart Growth Coalition		X
Anne Hedges	MEIC		X
Brianne Randall	CRC		X
Jordan Thomas	L-C Comm		X
Kim Chambers	Self	X	
LEON CHAMBERS	SELF	X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives Visitors Register

Thursday, February 17, 2011

HB 546 - Revise laws to prohibit local government competition with private sector

Sponsor: Representative Bob Wagner

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE LOCAL GOVERNMENT COMMITTEE

Thursday, February 17, 2011

HB 552 - Provide workers' comp to volunteer firefighters and EMS workers

Sponsor: Representative Alan Hale

PLEASE PRINT

Name	Representing	Support	Oppose
Dan M Cooper	Jefferson City VFD	✓	
D. L. S. & T	Jefferson City VFD	✓	
DeDe Rhodes	Basin VFD	✓	
Quidley L. Hall	Bayendale Fire/Rescue	✓	
Bruce Charles	West End VFD	✓	
SUSAN Charles	" " "		
Pat McKelvey	Clancy VFD	✓	
KEITH WEAR	JEFFERSON VFD	✓	
Phyllis Spence	PCT		✓
Nancy Butler	MT State Fund		✓
George DeMers	JCFD	✓	
Jonathan Heslop	JCFD	✓	
Scott Govego	Valley Fire	✓	
Ashley Blake	JCFD	✓	
Magaline Burnmark	AIA		✓
Bob Worthington	MAIA	✓	oppose

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

HOUSE LOCAL GOVERNMENT COMMITTEE

Sponsor: Representative Kris Hansen

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives Visitors Register

Thursday, February 17, 2011

HB 592 - Revise subdivision law - define tract of record - provide exemption from review

Sponsor: Representative Wayne Stahl

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.



MISSOULA RURAL FIRE DISTRICT

2521 South Avenue West • Missoula, Montana 59804
(406) 549-6172 • FAX (406) 549-6023
www.mrfdfire.org

BUSINESS & LABOR

EXHIBIT NO. 3

DATE 3-24-11

BILL NO. HB 508

3-22-2011

Senate Business, Labor and Economic Affairs Committee
Montana Senate
P.O. Box 200500
Helena, Montana 59620-0500

Dear Honorable members of the Senate Business, Labor and Economic Affairs Committee:

The Board of Trustees of The Missoula Rural Fire District would like to offer this letter in support of the passage of HB 508. We feel that the firefighters are the most valuable asset of any fire district. Firefighting is an inherently dangerous profession and we want our firefighters to be adequately protected, should they be injured in the line of duty.

Firefighters who work for Municipal Fire Departments in Montana are already afforded this protection. The Missoula Rural Fire District Board of Trustees feels that this same protection should be provided to firefighters employed by fire districts. This protection would not impose an additional financial burden on The Missoula Rural Fire District.

On January 11, 2011, in the course of our regular monthly meeting, The Missoula Rural Fire District Board of Trustees unanimously decided to support this important legislation. Once HB 508 is passed, we will rest easier knowing our firefighters and their families will be supported in the event a firefighter is injured while on duty.

Sincerely,

Cheryl Hanson, Chair
Missoula Rural Fire Board of Trustees



BUSINESS & LABOR
MISSOULA RURAL FIRE DISTRICT

2521 South Avenue West • Missoula, Montana 59804
(406) 549-6172 • FAX (406) 549-6023
www.mrfdfire.org

March 22, 2011

Honorable Members of the Business,
Labor, and Economic Affairs Committee
Montana State Capitol Building
Helena, MT 59601

Re: HB 508, PLEASE SUPPORT HB 508

Dear Committee Members:

The Missoula Rural Fire District would appreciate and highly endorses the passage of HB508. As you know, in the fire service, our personnel and the ability for our firefighters to be adequately protected if injured on the job is of the utmost importance. It is the very least we can do to help protect them while providing such an essential service to our communities.

We believe it is vital that this piece of legislation be passed so that fire fighters in fire districts are allowed to have the same protection afforded as in the Montana municipal fire departments if injured on the job.

The Missoula Rural Fire District strongly supports this legislation and would appreciate its passage so that if one of our firefighters is injured, that they will be taken care of along with their family and children while the appropriate recovery time is being completed.

The Missoula Rural Fire District, or the State of Montana, would not incur any additional financial impact if this legislation moves forward and is passed.

The Missoula Rural Fire District fire administration along with our Board of Trustees support this legislation and if you have any questions or need anything from us, please don't hesitate to call on us.

Most sincerely,

Brent L. Christopherson
Assistant Chief
Missoula Rural Fire District

BUSINESS REPORT

**MONTANA SENATE
62nd LEGISLATURE - REGULAR SESSION**

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Date: Thursday, March 24, 2011
Place: Capitol

Time: 9:00 AM
Room: 422

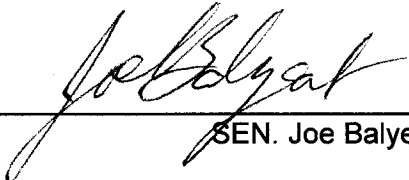
BILLS and RESOLUTIONS HEARD:

HB 487 - Provide life insurance for certain nonspecified discretionary groups
HB 508 - Require payment of partial salary to injured rural firefighter
HB 563 - Provide for public-private partnerships

EXECUTIVE ACTION TAKEN:

HB 487 Do Concur
HB 464 Do Concur
HB 275 Do Concur As Amended
HB 408 " " " "

Comments:



SEN. Joe Balyeat, Chair

MONTANA STATE SENATE
ROLL CALL
BUSINESS, LABOR, AND
ECONOMIC AFFAIRS

DATE: 3-24-, 2011

NAME	PRESENT	ABSENT/ EXCUSED
Vice Chair Jackson	✓	
Senator Facey	✓	
Senator Steinbeisser		✓
Senator Moore	✓	
Senator Stewart-Peregoy	✓	
Senator Tropila	✓	
Senator Tutvedt		✓
Senator Mowbray	✓	
Senator Vuckovich	✓	
Senator Windy Boy		✓
Chairman Balyeat		✓

11 Committee Members



SENATE STANDING COMMITTEE REPORT

March 24, 2011

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 408** (third reading copy -- blue) be concurred in as amended.

Signed: _____

Senator Joe Bolyeat, Chair

To be carried by Senator Donald Steinbeisser

And, that such amendments read:

1. Page 2, lines 24 through 25.

Strike: "[the effective" on line 24 through "act]" on line 25

Insert: "July 1, 2012"

- END -

Committee Vote:

Yes 6, No 5

Fiscal Note Required ☐

HB0408001SC01417.sdr

sk



SENATE STANDING COMMITTEE REPORT

March 24, 2011

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 487** (third reading copy -- blue) be concurred in.

Signed: _____

Senator Joe Balyeat, Chair

To be carried by Senator Tom Facey

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required ☐

HB0487001SC08062.sdr

DR



SENATE STANDING COMMITTEE REPORT

March 24, 2011

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 275** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

A handwritten signature in dark ink, appearing to read "Joe Balyeat", written over a horizontal line.

Senator Joe Balyeat, Chair

To be carried by Senator Art Wittich

And, that such amendments read:

1. Page 2, line 16.

Following: "lifetime"

Insert: "but not including expenses necessary to care for dependents of the deceased party"

- END -

Committee Vote:

Yes 6, No 5

Fiscal Note Required ☐

HB0275001SC08060.sdr

Handwritten initials in dark ink, possibly "AB", located in the bottom right corner of the page.



SENATE STANDING COMMITTEE REPORT

March 24, 2011

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 464** (third reading copy -- blue) be concurred in.

Signed: _____

Joe Balyeat
Senator Joe Balyeat, Chair

To be carried by Senator Bruce Tutvedt

- END -

Committee Vote:

Yes 6, No 5

Fiscal Note Required ☐

HB0464001SC06485.sdr

OR

MONTANA STATE SENATE ROLL CALL VOTE

BUSINESS, LABOR, AND ECONOMIC AFFAIRS

DATE: 3-24-, 2011

BILL NO. HB464 DC 6-5

NAME	AYE	NO
Senator Stewart-Peregoy		✓
Senator Vuckovich		✓
Senator Steinbeisser	✓	
Senator Facey		✓
Senator Tutvedt	✓ ^m	
Senator Jackson	✓	
Senator Windy Boy		✓ ^m
Senator Moore	✓	
Senator Tropila		✓
Senator Mowbray	✓	
Chairman Balyeat	✓	

11 Committee Members

MONTANA STATE SENATE ROLL CALL VOTE

BUSINESS, LABOR, AND ECONOMIC AFFAIRS

DATE: 3-24-, 2011

BILL NO. HB 408 DCAA 6-5

NAME	AYE	NO
Senator Stewart-Peregoy		✓
Senator Vuckovich		✓
Senator Steinbeisser	✓	
Senator Facey		✓
Senator Tutvedt	✓ _{pr}	
Senator Jackson	✓	
Senator Windy Boy		✓ _{pr}
Senator Moore	✓	
Senator Tropila		✓
Senator Mowbray	✓	
Chairman Balyeat	✓	

11 Committee Members

MONTANA STATE SENATE ROLL CALL VOTE

BUSINESS, LABOR, AND ECONOMIC AFFAIRS

DATE: 3-24-, 2011

BILL NO. HB 275 DCAA 6-5

NAME	AYE	NO
Senator Stewart-Peregoy		✓
Senator Vuckovich		✓
Senator Steinbeisser	✓	
Senator Facey		✓
Senator Tutvedt	✓ <i>mu</i>	
Senator Jackson	✓	
Senator Windy Boy		✓ <i>mu</i>
Senator Moore	✓	
Senator Tropila		✓
Senator Mowbray	✓	
Chairman Balyeat	✓	

11 Committee Members

**AUTHORIZED
SENATE COMMITTEE PROXY**

I, Senator Bruce Tutvedt request to be excused from the

BUSINESS AND LABOR COMMITTEE

due to my other commitment. I desire to leave my proxy vote with:

Vice Chair Verdell Jackson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
HB 275	X				
HB 027501.gpm	X				
HB 487	X				
HB 464	X				
HB 408	X				
HB 040801.gpm	X				

Sen. 
(Signature)

Date 3/24/2011

**AUTHORIZED
SENATE COMMITTEE PROXY**

I, Senator Jonathon Windy Boy, request to be excused from the
BUSINESS AND LABOR COMMITTEE
 due to my other commitment. I desire to leave my proxy vote with:

TRIP: A

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

AYE **NO**

[illegible]

Sen.

(Signature)

Date _____

$$\frac{3}{24} \div \frac{1}{1}$$

**AUTHORIZED
SENATE COMMITTEE PROXY**

I, Senator Verdell Jackson, request to be excused from the
**Business, Labor, and Economic Affairs
COMMITTEE**

due to my other commitment. I desire to leave my proxy vote with:

Senator Balegat

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB 487	☒	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐

BILL/AMENDMENT	AYE	NO
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐

Sen. Verdell Jackson
(Signature)

Date 3/24/2011

MONTANA STATE SENATE
Visitors Register
SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Thursday, March 24, 2011

HB 563 - Provide for public-private partnerships

Sponsor: Representative Elsie Arntzen

PLEASE PRINT

Name	Representing	Support	Oppose
MARTY SCHUMA	DICK ANDERSON CONSTRUCTION	X	
Steve Wade	MT Contractors	✓	
Matt Bugni	AWARE, Inc	✓	
Jon Metropoulos	AWARE, Inc	✓	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Sponsor: Representative Christy Clark

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Thursday, March 24, 2011

HB 508 - Require payment of partial salary to injured rural firefighter

Sponsor: Representative Mary McNally

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Vice Chairman Verdell Jackson on March 24, 2011 at 9:00 AM, in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Verdell Jackson, Vice Chairman (R)
Sen. Tom Facey (D)
Sen. Frederick (Eric) Moore (R)
Sen. Carmine Mowbray (R)
Sen. Sharon Stewart-Peregoy (D)
Sen. Mitch Tropila (D)
Sen. Gene Vuckovich (D)

Members Excused:

Sen. Joe Balyeat, Chairman (R)
Sen. Donald J. Steinbeisser (R)
Sen. Bruce Tutvedt (R)
Sen. Jonathan Windy Boy (D)

Members Absent:

None

Staff Present:

Linda Keim, Committee Secretary
Pat Murdo, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 563, 3/11/2011; HB 508, 3/11/2011; HB 487, 3/11/2011

Executive Action: HB 275, HB 408, Do Concur As Amended; HB 487, HB 464, Do Concur.

HEARING ON HB 563

Opening Statement by Sponsor:

00:01:14 Rep. Elsie Arntzen (R), HD 53, opened the hearing on HB 563. Provide for public-private partnerships.

EXHIBIT(bus66a01)

Proponents' Testimony:

00:06:01 Jon Metropoulos, AWARE Incorporated
00:08:24 Matt Bugni, AWARE Incorporated
00:09:56 Marty Schuma, President, Dick Anderson Construction
00:11:06 Steve Wade, Montana Contractors Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:12:20 Sen. Mowbray
00:14:23 Mr. Bugni, AWARE
00:15:20 Sen. Facey
00:19:11 Rep. Arntzen

00:16:25 Sen. Balyeat and Sen. Steinbeisser arrived.

00:20:05 Sen. Vuckovich
00:22:26 Sen. Tropila
00:24:01 Mr. Metropoulos
00:24:52 Sen. Tropila
00:29:02 Mr. Bugni, redirect, without objection
00:30:24 Mr. Metropoulos
00:30:42 Sen. Tropila
00:30:48 Rep. Arntzen
00:31:41 Sen. Tropila
00:32:33 Mr. Schuma
00:33:25 Vice Chairman Jackson
00:34:12 Rep. Arntzen

Closing by Sponsor:

00:34:57 Rep. Arntzen

00:36:18 Vice Chairman Jackson closed the hearing on HB 563. Chairman Balyeat took over the position of Chair.

HEARING ON HB 487

Opening Statement by Sponsor:

00:36:35 Rep. Christy Clark (R), HD 17, opened the hearing on HB 487. Provide life insurance for certain non-specified discretionary groups.

Proponents' Testimony:

00:39:06 Jacqueline Lenmark, American Council of Life Insurance (ACLI); also speaking on behalf of Dwight Easton, Farmers Insurance Group; and Greg Van Horssen, State Farm Insurance Company

EXHIBIT(bus66a02)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:43:37 Sen. Tropila
00:43:50 Ms. Lenmark, ACLI
00:44:49 Sen. Facey
00:47:01 Ms. Lenmark
00:48:00 Ms. Murdo
00:48:14 Ms. Lenmark
00:49:25 Sen. Jackson
00:50:35 Rep. Clark, redirect, without objection
00:50:50 Ms. Lenmark
00:51:29 Sen. Jackson
00:51:53 Ms. Lenmark
00:53:08 Sen. Vuckovich
00:55:58 Ms. Lenmark

00:56:22 Sen. Jackson left the room.

00:56:54 Sen. Mowbray
00:59:09 Ms. Lenmark
00:59:37 Chairman Balyeat
00:59:46 Sen. Facey

Closing by Sponsor:

01:00:43 Rep. Clark

01:01:13 Chairman Balyeat

HEARING ON HB 508

Opening Statement by Sponsor:

01:02:04 Rep. Mary McNally (D), HD 49, opened the hearing on HB 508, Require payment of partial salary to injured rural firefighter.

Proponents' Testimony:

01:04:58 Ron Lubke, Firefighter, Missoula Rural Fire District

EXHIBIT(bus66a03)

01:07:35 Matt Norby, Montana State Firemen's Association (MSFA)

01:09:03 Kory Burgess, Lolo, Missoula Rural Fire District; also speaking for the Missoula Rural Fire Chiefs

EXHIBIT(bus66a04)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:11:27 Sen. Vuckovich
01:13:28 Rep. McNally
01:14:32 Sen. Tropila
01:14:36 Rep. McNally, redirect, without objection
01:15:20 Doug Neil, MSFA
01:16:00 Chairman Balyeat
01:16:23 Sen. Facey
01:16:33 Chairman Balyeat
01:17:48 Mr. Neil
01:16:33 Chairman Balyeat
01:23:51 Mr. Neil
01:25:25 Sen. Steinbeisser
01:25:49 Mr. Neil
01:26:36 Sen. Moore
01:27:51 Mr. Neil
01:28:52 Sen. Vuckovich
01:31:02 Mr. Neil
01:32:17 Sen. Facey
01:33:37 Mr. Lubke
01:33:53 Chairman Balyeat, redirect, without objection
01:33:57 Mr. Neil
01:34:49 Sen. Facey
01:35:33 Rep. McNally

Closing by Sponsor:

01:35:46 Rep. McNally

EXECUTIVE ACTION ON HB 487

01:45:30 **Motion:** Sen. Facey moved that **HB 487 BE CONCURRED IN.**

Discussion:

01:47:04 Chairman Balyeat

01:47:06 Sen. Facey

01:47:09 Sen. Mowbray

01:47:15 **Vote:** Motion carried unanimously by voice vote. Sen. Jackson, Sen. Tutvedt and Sen. Windy Boy voted by proxy. Sen. Facey will carry the bill.

01:48:38 Sen. Jackson returned.

EXECUTIVE ACTION ON HB 275

01:48:41 Sen. Facey

01:48:55 Chairman Balyeat

01:49:26 **Motion:** Sen. Facey moved that **HB 275 BE CONCURRED IN.**

01:49:34 **Motion:** Sen. Balyeat moved that **HB 275 BE AMENDED.**

[EXHIBIT](#)(bus66a05)

Discussion:

01:51:30 Sen. Mowbray

01:52:03 Chairman Balyeat

01:52:42 **Vote:** Motion carried unanimously by voice vote. Sen. Tutvedt and Sen. Windy Boy voted by proxy.

01:53:00 **Motion:** Sen. Facey moved that **HB 275 BE CONCURRED IN AS AMENDED.**

Discussion:

01:53:13 Sen. Tropila

01:53:52 Sen. Mowbray

01:54:24 Chairman Balyeat

01:55:04 **Vote:** Motion carried 6-5 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Tropila, Sen. Vuckovich and Sen. Windy Boy voting no. Sen. Tutvedt and Sen. Windy Boy voted by proxy. Sen. Wittich will carry the bill.

EXECUTIVE ACTION ON HB 408

01:56:37 **Motion:** Sen. Facey moved that **HB 408 BE CONCURRED IN.**

Discussion:

01:56:47 Sen. Facey
01:57:21 Chairman Balyeat

01:57:33 Sen. Facey **WITHDREW THE MOTION ON HB 408.**

01:57:59 Chairman Balyeat

(Note: Further Executive Action takes place later in the meeting)

EXECUTIVE ACTION ON HB 464

01:58:45 **Motion:** Sen. Facey moved that **HB 464 BE CONCURRED IN.**

Discussion:

01:59:02 Chairman Balyeat
01:59:16 Ms. Murdo
02:00:08 Sen. Facey
02:00:27 Ms. Murdo
02:00:52 Chairman Balyeat
02:01:15 Sen. Facey
02:03:27 Chairman Balyeat
02:03:30 Sen. Facey
02:04:19 Sen. Mowbray
02:05:17 Sen. Tropila

02:07:03 **Vote:** Motion carried 6-5 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Tropila, Sen. Vuckovich and Sen. Windy Boy voting no. Sen. Tutvedt and Sen. Windy Boy voted by proxy. Sen. Tutvedt will carry the bill.

02:08:19 Sen. Facey

EXECUTIVE ACTION ON HB 408

02:08:51 **Motion:** Sen. Facey moved that **HB 408 BE CONCURRED IN.**

02:09:04 **Motion:** Sen. Moore moved that **HB 408 BE AMENDED.**
EXHIBIT(bus66a06)

Discussion:

02:09:17 Ms. Murdo
02:09:23 Sen. Moore
02:09:50 Sen. Facey

02:09:57 **Vote:** Motion carried unanimously by voice vote. Sen. Tutvedt and Sen. Windy Boy voted by proxy.

02:10:11 **Motion:** Sen. Moore moved that **HB 408 BE CONCURRED IN AS AMENDED.**

Discussion:

02:10:19 Sen. Steinbeisser

02:10:44 Sen. Mowbray

02:11:07 **Vote:** Motion carried 6-5 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Tropila, Sen. Vuckovich and Sen. Windy Boy voting no. Sen. Tutvedt and Sen. Windy Boy voted by proxy.

Discussion:

02:12:15 Chairman Balyeat

02:12:19 Ms. Murdo

02:14:20 Chairman Balyeat

02:14:24 Ms. Murdo

02:14:50 Chairman Balyeat

02:15:55 Sen. Mowbray

02:16:08 Chairman Balyeat

02:16:21 Sen. Tropila

02:17:17 Chairman Balyeat

ADJOURNMENT

Adjournment: 11:20 A.M.

Linda Keim, Secretary

lk

Additional Documents:

EXHIBIT([bus66aad.pdf](#))

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chair Joe Balyeat, on March 25, 2011 at 8:30 AM, in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Joe Balyeat, Chair (R)
Sen. Verdell Jackson, Vice Chair (R)
Sen. Tom Facey (D)
Sen. Frederick (Eric) Moore (R)
Sen. Carmine Mowbray (R)
Sen. Donald J. Steinbeisser (R)
Sen. Sharon Stewart-Peregoy (D)
Sen. Mitch Tropila (D)
Sen. Gene Vuckovich (D)

Members Excused: Sen. Jonathan Windy Boy (D)
Sen. Bruce Tutvedt (R)

Members Absent: None

Staff Present: Linda Keim, Committee Secretary
Pat Murdo, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 535, 3/15/2011; HB 71, 3/15/2011; HB 525, 3/15/2011; SB 375, 3/15/2011

Executive Action: HB 249, HB 405, HB 525, HB 334, Do Concur As Amended; HB 416, HB 547, HB 508, Do Concur; HB 563 and HB 71 Tabled.

HEARING ON HB 535

Opening Statement by Sponsor:

00:01:05 Rep. Austin Knudsen (R), HD 36, opened the hearing on HB 535. Revise uniform limited liability partnership act.

Proponents' Testimony:

00:03:30 Kristen Juras, Montana State Bar (MSB)
[EXHIBIT\(bus67a01\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:05:34 Sen. Moore
00:05:40 Rep. Knudsen, redirect, without objection
00:06:25 Ms. Juras, MSB
00:07:33 Sen. Moore
00:07:37 Rep. Knudsen
00:08:21 Sen. Facey
00:08:50 Ms. Juras
00:09:25 Sen. Facey
00:09:34 Chairman Balyeat
00:09:42 Rep. Knudsen
00:10:29 Chairman Balyeat

Closing by Sponsor:

00:10:35 Rep. Knudsen

HEARING ON HB 71

Opening Statement by Sponsor:

00:11:12 Rep. Gordon Vance (R), HD 67, opened the hearing on HB 71. Provide that illegal alien may not receive workers' comp.

Proponents' Testimony: None

Opponents' Testimony:

00:14:04 Brad Griffin, Montana Retail Association (MRA)
00:15:02 Bruce Spencer, Property Casualty Insurers Association of America (PCIAA); also speaking on behalf of Jacqueline Lenmark, American Insurance Association (AIA); and Dwight Easton, Farmers Insurance Group (FIG)
[EXHIBIT\(bus67a02\)](#)

00:16:20 Bob Worthington, Labor-Management Advisory Council (LMAC); also speaking
on behalf of Jason Miller, LMAC
00:17:31 Andrea Olsen, Montana Trial Lawyers Association (MTLA)
00:20:35 Ronda Wiggers, Great Falls and Helena Chamber of Commerce

Informational Testimony:

00:20:59 Kevin Braun, Montana State Fund

Questions from Committee Members and Responses:

00:21:12 Sen. Moore
00:21:47 Rep. Vance
00:22:56 Sen. Jackson
00:23:55 Rep. Vance
00:24:07 Sen. Mowbray
00:24:44 Mr. Spencer, PCI
00:25:33 Chairman Balyeat
00:25:39 Ms. Murdo

Closing by Sponsor:

00:26:20 Rep. Vance
00:27:41 Chairman Balyeat

HEARING ON HB 525

Opening Statement by Sponsor:

00:31:27 Rep. Jonathan McNiven (R), HD 44, opened the hearing on HB 525. Revise
business and professional licensing laws to provide termination review.

Proponents' Testimony:

00:34:22 Jack Kane, Department of Labor and Industry (DOLI)

Opponents' Testimony:

00:34:46 Don Judge, Montana Nurses Association

Informational Testimony: None

Questions from Committee Members and Responses:

00:36:26 Sen. Facey
00:37:35 Rep. McNiven
00:38:29 Sen. Facey
00:38:37 Mr. Kane, DOLI
00:39:34 Sen. Tropila

00:43:54 Rep. McNiven
00:44:47 Sen. Facey
00:46:13 Rep. McNiven
00:46:19 Sen. Mowbray
00:46:25 Mr. Kane
00:48:57 Chairman Balyeat

Closing by Sponsor:

00:50:03 Rep. McNiven
00:52:19 Chairman Balyeat

HEARING ON SB 375

Opening Statement by Sponsor:

00:53:03 Sen. Edward Walker (R), SD 29, opened the hearing on SB 375. Generally revise workers' compensation.

[EXHIBIT\(bus67a03\)](#)

Proponents' Testimony:

01:00:15 Sen. Ryan Zinke, SD 2, Whitefish
01:04:20 Greg Chilcott, Commissioner, Ravalli County, MACo trust
01:05:34 Jacqueline Lenmark, American Insurance Association (AIA); also speaking for Bruce Spencer, Property Casualty Insurers Association of America (PCIAA); Dwight Easton, Farmers Insurance Group (FIG)

Opponents' Testimony:

01:10:37 Nancy Butler, Montana State Fund (MSF)
[EXHIBIT\(bus67a04\)](#)
01:22:05 Jason Todhunter, Montana Logging Association (MLA); also speaking for Riley Johnson, National Federation of Independent Business (NFIB)
01:24:19 Barry 'Spook' Stang, Motor Carriers of Montana (MCM)
01:27:16 Bob Worthington, Montana Self Insurers Association (MSIA)
01:27:45 John Youngberg, Montana Farm Bureau (MFB)
01:29:02 Patrick Heffernan, Montana Wood Products Association (MWPA)

Informational Testimony:

01:29:57 Jerry Keck, Department of Labor and Industry (DOLI)

Questions from Committee Members and Responses:

01:30:22 Sen. Vuckovich
01:32:02 Sen. Zinke
01:33:20 Sen. Facey
01:33:23 Chairman Balyeat

01:34:48 Ms. Butler, MSF
01:36:29 Sen. Facey
01:36:32 Mr. Worthington
01:37:43 Sen. Facey
01:39:35 Sen. Zinke
01:40:22 Sen. Steinbeisser
01:40:54 Ms. Butler
01:41:13 Sen. Tropila
01:44:01 Ms. Butler
01:44:28 Chairman Balyeat

Closing by Sponsor:

01:44:43 Rep. Walker
01:53:36 Chairman Balyeat
01:54:11 Recess
02:14:44 Resume

EXECUTIVE ACTION ON HB 71

02:16:28 **Motion/Vote:** Sen. Facey moved that **HB 71 BE TABLED**. Motion carried 8-3 by voice vote with Sen. Balyeat, Sen. Jackson and Sen. Mowbray voting no. Sen. Windy Boy voted by proxy.

EXECUTIVE ACTION ON HB 535

02:17:34 **Motion:** Sen. Facey moved that **HB 535 BE CONCURRED IN**.
02:17:54 Sen. Facey **WITHDREW THE MOTION ON HB 535**.

EXECUTIVE ACTION ON HB 547

02:18:25 **Motion:** Sen. Facey moved that **HB 547 BE CONCURRED IN**.

Discussion:

02:18:39 Sen. Facey
02:17:46 Chairman Balyeat

02:19:14 **Vote:** Motion carried unanimously by voice vote. Sen. Windy Boy voted by proxy.

EXECUTIVE ACTION ON HB 508

02:20:18 **Motion:** Sen. Vuckovich moved that **HB 508 BE CONCURRED IN**.

Discussion:

02:20:26 Sen. Mowbray
02:20:29 Sen. Moore

02:22:42 **Vote:** Motion carried 6-5 by roll call vote with Sen. Balyeat, Sen. Jackson, Sen. Moore, Sen. Steinbeisser and Sen. Tutvedt voting no. Sen. Windy Boy voted by proxy. Sen. Brown will carry the bill.

EXECUTIVE ACTION ON HB 563

02:23:35 **Motion:** Sen. Jackson moved that **HB 563 BE CONCURRED IN.**

Discussion:

02:23:58 Sen. Facey
02:25:09 Sen. Jackson
02:25:34 Sen. Moore
02:25:58 Sen. Facey
02:26:41 Sen. Tropila
02:28:19 Sen. Stewart-Peregoy
02:29:25 Sen. Tutvedt
02:29:40 Sen. Vuckavich
02:31:01 Chairman Balyeat

02:31:36 **Vote:** Motion failed 5-6 by roll call vote with Sen. Balyeat, Sen. Jackson, Sen. Mowbray, Sen. Steinbeisser and Sen. Vuckovich voting yes. Sen. Windy Boy voted by proxy. Without objection, Chairman Balyeat moved to reverse the vote and **TABLE HB 563.**

EXECUTIVE ACTION ON HB 416

02:33:28 Chairman Balyeat
02:33:44 Sen. Facey, additional question, without objection
02:33:58 Al Smith, Montana Trial Lawyers Association (MTLA)

02:35:39 **Motion:** Sen. Tutvedt moved that **HB 416 BE CONCURRED IN.**

Discussion:

02:35:53 Sen. Tutvedt
02:36:34 Sen. Jackson
02:37:07 Chairman Balyeat
02:37:24 Sen. Jackson

02:37:29 Sen. Tutvedt left the room.

02:37:29 Sen. Tropila
02:38:09 Sen. Mowbray

02:39:08 **Vote:** Motion carried 7-4 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Tropila and Sen. Windy Boy voting no. Sen. Tutvedt and Sen. Windy Boy voted by proxy. Sen. Moore will carry the bill.

EXECUTIVE ACTION ON HB 249

02:42:48 Chairman Balyeat

02:42:55 **Motion:** Sen. Facey moved that **HB 249 BE CONCURRED IN.**

02:43:05 **Motion:** Sen. Balyeat moved that **HB 249 BE AMENDED.**
EXHIBIT(bus67a05)

Discussion:

02:44:22 Sen. Facey

02:44:25 Mr. Smith, MTLA, without objection

02:45:14 **Vote:** Motion carried unanimously by voice vote. Sen. Tutvedt and Sen. Windy Boy voted by proxy.

02:45:33 **Motion:** Sen. Facey moved that **HB 249 BE CONCURRED IN AS AMENDED.**

02:45:42 **Vote:** Motion carried unanimously by voice vote. Sen. Tutvedt and Sen. Windy Boy voted by proxy. Sen. Facey will carry the bill.

02:45:59 Sen. Tutvedt returned.

EXECUTIVE ACTION ON HB 405

02:46:56 **Motion:** Sen. Jackson moved that **HB 405 BE CONCURRED IN.**

02:47:08 **Motion:** Sen. Mowbray moved that **HB 405 BE AMENDED.**
EXHIBIT(bus67a06)

Discussion:

02:47:37 Sen. Mowbray

02:48:29 Sen. Tropila

02:48:51 Sen. Mowbray

02:49:32 **Vote:** Motion carried unanimously by voice vote. Sen. Windy Boy voted by proxy.

02:49:48 **Motion:** Sen. Mowbray moved that **HB 405 BE CONCURRED IN AS AMENDED.**

Discussion:

02:50:00 Sen. Tropila

02:51:40 Sen. Mowbray
02:53:34 Sen. Stewart-Peregoy
02:55:01 Sen. Tutvedt

02:55:58 **Vote:** Motion carried 6-5 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Tropila, Sen. Vuckovich and Sen. Windy Boy voting no. Sen. Windy Boy voted by proxy. Sen. Tutvedt will carry the bill.

EXECUTIVE ACTION ON HB 525

02:58:01 **Motion:** Sen. Vuckovich moved that **HB 525 BE CONCURRED IN.**

02:58:16 Chairman Balyeat

02:59:28 Sen. Facey moved that **HB 525 BE CONCEPTUALLY AMENDED.**

Discussion:

03:01:31 Sen. Facey
03:02:09 Sen. Steinbeisser
03:02:30 Chairman Balyeat

03:03:08 **Vote:** Motion carried 10-1 by voice vote with Sen. Jackson voting no. Sen. Windy Boy voted by proxy.

03:03:21 **Motion:** Sen. Facey moved that **HB 525 BE CONCURRED IN AS AMENDED.**

Discussion:

03:04:01 Sen. Steinbeisser
03:04:18 Chairman Balyeat
03:05:23 Dave Boyer, Legislative Services
03:06:24 Sen. Facey

03:06:56 **Vote:** Motion carried 10-1 by voice vote with Sen. Moore voting no. Sen. Windy Boy voted by proxy. Sen. Facey will carry the bill.

Discussion:

03:07:43 Sen. Tutvedt
03:08:13 Sen. Facey
03:08:36 Chairman Balyeat
03:10:00 Sen. Facey
03:10:30 Chairman Balyeat

03:10:34 Recess
03:10:47 Resume at 3:25 P.M.

03:10:56 Chairman Balyeat

EXECUTIVE ACTION ON HB 334

03:11:42 **Motion:** Sen. Tutvedt moved that **HB 334 BE CONCURRED IN.**
EXHIBIT(bus67a07)

03:11:54 **Motion:** Sen. Tutvedt moved that **HB 334 BE AMENDED.**
EXHIBIT(bus67a08)

Discussion:

03:12:12 Ms. Murdo
03:13:15 Sen. Facey
03:14:18 Sen. Tutvedt
03:14:22 Sen. Mowbray
03:14:35 Ms. Murdo
03:14:44 Sen. Tropila
03:14:56 Ms. Murdo
03:15:01 Sen. Stewart-Peregoy
03:15:31 Ms. Murdo

03:15:58 **Vote:** Motion carried unanimously by voice vote. Sen. Vuckovich and Sen.
Windy Boy voted by proxy.

03:16:43 Sen. Tropila
03:17:12 Chairman Balyeat

03:17:22 **Motion/Vote:** Sen. Tutvedt moved that **HB 334 BE CONCURRED IN AS**
AMENDED. Motion carried unanimously by roll call vote. Sen. Vuckovich and
Sen. Windy Boy voted by proxy. Sen. Tutvedt will carry the bill.

03:17:40 Chairman Balyeat

ADJOURNMENT

Adjournment: 3:35 PM

Linda Keim, Secretary

lk

Additional Documents:

EXHIBIT([bus67aad.pdf](#))

BUSINESS REPORT

**MONTANA SENATE
62nd LEGISLATURE - REGULAR SESSION**

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Date: Friday, March 25, 2011

Place: Capitol

Time: 8:30 A.M.

Room: 422

BILLS and RESOLUTIONS HEARD:

HB 71 - Provide that illegal alien may not receive workers' comp

HB 525 - Revise business and professional licensing laws to provide termination review

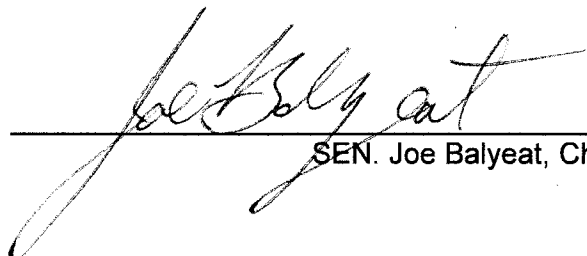
HB 535 - Revise uniform limited liability partnership act

SB 375 - Generally revise workers' compensation

EXECUTIVE ACTION TAKEN:

HB 249, HB 405, HB 525, HB 334: Do Concur As Amended.
HB 416, HB 547, HB 508: Do Concur.
HB 563, HB 71 Tabled.

Comments: Note Time Change to 8:30 A.M.



SEN. Joe Balyeat, Chair

MONTANA STATE SENATE
ROLL CALL
BUSINESS, LABOR, AND
ECONOMIC AFFAIRS

DATE: 3-25-, 2011

NAME	PRESENT	ABSENT/ EXCUSED
Vice Chair Jackson	✓	
Senator Facey	✓	
Senator Steinbeisser	✓	✓
Senator Moore	✓	
Senator Stewart-Peregoy	✓	
Senator Tropila	✓	✓
Senator Tutvedt	✓	✓
Senator Mowbray	✓	
Senator Vuckovich	✓	
Senator Windy Boy		✓
Chairman Balyeat	✓	

11 Committee Members

AUTHORIZED SENATE COMMITTEE PROXY

I, Senator Jonathon Windy Boy, request to be excused from the
BUSINESS AND LABOR COMMITTEE
 due to my other commitment. I desire to leave my proxy vote with:

Rep. A

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT AYE NO

HB 71 TABLE	X	
HB 547	X	
HB 508	X	
HB 563		X
HB 416		X
249 AMD	X	
249 w/ AMD	X	
HB 405	X	
HB 405		X
HB 525 CONCEPT	X	
HB 525	X	

BILL/AMENDMENT AYE NO

Sen. _____

(Signature)

Date _____

3/25/10

**AUTHORIZED
SENATE COMMITTEE PROXY**

I, Senator Gene Vuckovich, request to be excused from the
**Business, Labor, and Economic Affairs
COMMITTEE**

due to my other commitment. I desire to leave my proxy vote with:

Tropis

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT AYE NO

HB 334 Amd.	X	
HB 334	X	

BILL/AMENDMENT AYE NO

Sen. Gene Vuckovich
(Signature)

Date 3-25-11

AUTHORIZED SENATE COMMITTEE PROXY

I, Senator Jonathon Windy Boy, request to be excused from the
BUSINESS AND LABOR COMMITTEE
 due to my other commitment. I desire to leave my proxy vote with:

Rep. A

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB 334	X	
HB 330	X	

BILL/AMENDMENT	AYE	NO

Sen. ,
 (Signature)

Date 3/25/11

AUTHORIZED SENATE COMMITTEE PROXY

I, Senator Bruce Tutvedt request to be excused from the

BUSINESS AND LABOR COMMITTEE

due to my other commitment. I desire to leave my proxy vote with:

Vice Chair Verdell Jackson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

HB 416	X	
HB 249	X	
HB 249 2.1 pm	X	
HB 405	X	
HB 405 2.1 pm	X	

BILL/AMENDMENT

AYE NO

Sen. _____

(Signature)

Date

3/25/2011

Senator
Tutvedt
Returned



SENATE STANDING COMMITTEE REPORT

March 25, 2011

Page 1 of 20

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 334** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Senator Joe Balyeat, Chair

To be carried by Senator Bruce Tutvedt

And, that such amendments read:

1. Title, page 1, line 11.

Following: "BIENNIUM;"

Insert: "requiring the legislative auditor to submit reports on the Montana State Fund to the insurance commissioner; revising vocational rehabilitation services and terms to assist an employee in staying at work or returning to work; creating a stay-at-work/return-to-work assistance fund and providing for assessments; extending rulemaking authority;"

2. Title, page 1, line 12.

Following: "39-71-320,"

Insert: "39-71-403,"

3. Title, page 1, line 13.

Following: "39-71-1011,"

Insert: "39-71-1025, 39-71-1031,"

Following: "39-71-1102,"

Strike: "AND"

4. Title, page 1, line 14.

Following: "39-71-1106,"

Committee Vote:

Yes 11, No 0

Fiscal Note Required __

Insert: "AND 39-71-2361,"

5. Page 1, line 25.

Following: "~~disease~~."

Insert: "Within that limitation, the wage-loss benefit should bear a reasonable relationship to actual wages lost as a result of a work-related injury or disease."

6. Page 4, line 26.

Strike: subsection (15) in its entirety

Renumber: subsequent subsections

7. Page 5.

Following: line 1

Insert: "(16) (a) "Indemnity benefits" means any payment made directly to the worker or the worker's beneficiaries, other than a medical benefit. The term includes payments made pursuant to a reservation of rights.

(b) The term does not include stay-at-work/return-to-work assistance, auxiliary benefits, or expense reimbursements for items such as meals, travel, or lodging."

Renumber: subsequent subsections

8. Page 5, line 7.

Strike: "or treatment" through "healing"

Insert: "while minimizing recurrence of the clinical status"

9. Page 5, lines 9 through 11.

Strike: "initial" on line 9

Strike: "as established" on line 9 through "findings" on line 10

Strike: "A" on line 10 through "improvement." on line 11

10. Page 6, line 1.

Strike: "Class 2 or greater class of"

11. Page 6, line 14.

Following: "injury"

Insert: "or occupational disease"

Strike: "the initial achievement of"

Insert: "achieving"

12. Page 7, line 24.

Strike: "designated by the insurer to be"

Insert: "who, subject to the requirements of 39-71-1101, is "

13. Page 17.

Following: line 4

Insert: "Section 7. Section 39-71-403, MCA, is amended to read:

"39-71-403. Plan three exclusive for state agencies -- election of plan by public corporations -- financing of self-insurance fund -- exemption for university system -- definitions -- rulemaking. (1) (a) Except as provided in subsection (5), if a state agency is the employer, the terms, conditions, and provisions of compensation plan No. 3, state fund, are exclusive, compulsory, and obligatory upon both employer and employee. Any sums necessary to be paid under the provisions of this chapter by a state agency are considered to be ordinary and necessary expenses of the agency. The agency shall pay the sums into the state fund at the time and in the manner provided for in this chapter, notwithstanding that the state agency may have failed to anticipate the ordinary and necessary expense in a budget, estimate of expenses, appropriations, ordinances, or otherwise.

(b) (i) Subject to subsection (5), the department of administration, provided for in 2-15-1001, shall manage workers' compensation insurance coverage for all state agencies.

(ii) The state fund shall provide the department of administration with all information regarding the state agencies' coverage.

(iii) Notwithstanding the status of a state agency as employer in subsection (1)(a) and contingent upon mutual agreement between the department of administration and the state fund, the state fund shall issue one or more policies for all state agencies.

(iv) In any year in which the workers' compensation premium due from a state agency is lower than in the previous year, the appropriation for that state agency must be reduced by the same amount that the workers' compensation premium was reduced and the difference must be returned to the originating fund instead of being applied to other purposes by the state agency submitting the premium.

(2) A public corporation, other than a state agency, may elect coverage under compensation plan No. 1, plan No. 2, or plan No. 3, separately or jointly with any other public corporation, other than a state agency. A public corporation electing compensation plan No. 1 may purchase reinsurance or issue bonds or notes pursuant to subsection (3)(b). A public corporation electing compensation plan No. 1 is subject to the same provisions as a private employer electing compensation plan No. 1.

(3) (a) A public corporation, other than a state agency, that elects plan No. 1 may establish a fund sufficient to pay the compensation and benefits provided for in this chapter and to discharge all liabilities that are reasonably incurred during the fiscal year for which the election is effective. Proceeds from the fund must be used only to pay claims covered by this chapter and for actual and necessary expenses required for the efficient administration of the fund, including debt service on any bonds

and notes issued pursuant to subsection (3)(b).

(b) (i) A public corporation, other than a state agency, separately or jointly with another public corporation, other than a state agency, may issue and sell its bonds and notes for the purpose of establishing, in whole or in part, the self-insurance workers' compensation fund provided for in subsection (3)(a) and to pay the costs associated with the sale and issuance of the bonds. Bonds and notes may be issued in an amount not exceeding 0.18% of the total assessed value of taxable property, determined as provided in 15-8-111, of the public corporation as of the date of issue. The bonds and notes must be authorized by resolution of the governing body of the public corporation and are payable from an annual property tax levied in the amount necessary to pay principal and interest on the bonds or notes. This authority to levy an annual property tax exists despite any provision of law or maximum levy limitation, including 15-10-420, to the contrary. The revenue derived from the sale of the bonds and notes may not be used for any other purpose.

(ii) The bonds and notes:

(A) may be sold at public or private sale;

(B) do not constitute debt within the meaning of any statutory debt limitation; and

(C) may contain other terms and provisions that the governing body determines.

(iii) Two or more public corporations, other than state agencies, may agree to exercise their respective borrowing powers jointly under this subsection (3)(b) or may authorize a joint board to exercise the powers on their behalf.

(iv) The fund established from the proceeds of bonds and notes issued and sold under this subsection (3)(b) may, if sufficient, be used in lieu of a surety bond, reinsurance, specific and aggregate excess insurance, or any other form of additional security necessary to demonstrate the public corporation's ability to discharge all liabilities as provided in subsection (3)(a). Subject to the total assessed value limitation in subsection (3)(b)(i), a public corporation may issue bonds and notes to establish a fund sufficient to discharge liabilities for periods greater than 1 year.

(4) All money in the fund established under subsection (3)(a) not needed to meet immediate expenditures must be invested by the governing body of the public corporation or the joint board created by two or more public corporations as provided in subsection (3)(b)(iii), and all proceeds of the investment must be credited to the fund.

(5) For the purposes of subsection (1)(b), the judicial branch or the legislative branch may choose not to have the department of administration manage its workers' compensation policy.

(6) The department of administration may adopt rules to implement subsection (1)(b)(i).

(7) As used in this section, the following definitions

apply:

(a) "Public corporation" includes the Montana university system.

(b) (i) "State agency" means:

(A) the executive branch and its departments and all boards, commissions, committees, bureaus, and offices;

(B) the judicial branch; and

(C) the legislative branch.

(ii) The term does not include the Montana university system."

Renumber: subsequent sections

14. Page 17, lines 12 through 22.

Strike: subsection (2) in its entirety

Insert: "(2) An injury does not arise out of and in the course of employment when the employee is:

(a) on a paid or unpaid break, is not at a worksite of the employer, and is not performing any specific tasks for the employer during the break; or

(b) engaged in a social or recreational activity, regardless of whether the employer pays for any portion of the activity. The exclusion from coverage of this subsection (2)(b) does not apply to an employee who, at the time of injury, is on paid time while participating in a social or recreational activity or whose presence at the activity is required or requested by the employer. For the purposes of this subsection (2)(b), "requested" means the employer asked the employee to assume duties for the activity so that the employee's presence is not completely voluntary and optional and the injury occurred in the performance of those duties."

15. Page 17, lines 27 through 28.

Strike: subsection (b) in its entirety

Renumber: subsequent subsection

16. Page 19, line 2.

Strike: "(a)"

17. Page 19, line 3.

Strike: "(i)"

Insert: "(a)"

18. Page 19, line 4.

Strike: "(ii)"

Insert: "(b)"

19. Page 19, lines 8 through 9.

Strike: subsection (b) in its entirety

20. Page 20, line 2.

Strike: "Class 2 or greater class of"

Following: "rating"

Insert: "rating"

21. Page 20, line 5.

Strike: "and"

22. Page 20, line 6.

Following: "and"

Insert: "; and

(iii) is more than zero."

23. Page 20, line 8.

Strike: "."

24. Page 20, lines 10 through 11.

Strike: "A" on line 10

Insert: "When a worker receives a Class 2 or greater class of impairment as converted to the whole person, as determined by the sixth edition of the American medical association Guides to the Evaluation of Permanent Impairment for the ratable condition, and has no actual wage loss as a result of the compensable injury or occupational disease, the"

Following: "only"

Strike: "if the" on line 10 through "(1)" on line 11

25. Page 23, line 5.

Strike: "20"

Insert: "29"

26. Page 23, line 24.

Following: "workers."

Insert: "Regardless of the date of injury, payment for medical services is based on the fee schedule rates in this section in effect on the date on which the medical service is provided."

27. Page 24.

Following: line 6

Insert: "(c) From July 1, 2011, through June 30, 2013, the fee schedules established in subsection (2)(b) must be based on the following standards as adopted by the centers for

medicare and medicaid services and as adopted by the department on December 31, 2010, regardless of where services are provided:

- (i) the American medical association current procedural terminology codes;
- (ii) the healthcare common procedure coding system;
- (iii) the medicare severity diagnosis-related groups;
- (iv) the ambulatory payment classifications;
- (v) the ratio of costs to charges for each hospital;
- (vi) the national correct coding initiative edits; and
- (vii) the relative value units as adjusted annually using the most recently published resource-based relative value scale."

Renumber: subsequent subsections

28. Page 24, line 7.

Strike: "The"

Insert: "On or after July 1, 2013, the"

29. Page 24, lines 8.

Strike: "in effect" through "provided"

30. Page 24, line 10.

Following: "codes"

Insert: ", as those codes exist on March 31 of each year"

31. Page 24, line 11.

Following: "system"

Insert: ", as those codes and their relative weights exist on March 31 of each year"

32. Page 24, line 12.

Following: "groups"

Insert: ", as those codes and their relative weights exist on October 1 of each year"

33. Page 24, line 13.

Following: "classifications"

Insert: ", as those codes and their relative weights exist on March 31 of each year"

34. Page 24, line 14.

Following: "hospital"

Insert: ", as those codes exist on October 1 of each year"

35. Page 24, line 15.

Following: "edits"

Insert: ", as those codes exist on March 31 of each year"

36. Page 24, line 16.

Strike: "as adjusted" through "recently"

Insert: "in the"

37. Page 24, line 17.

Following: "scale"

Insert: ", as those codes exist on March 31 of each year"

38. Page 24, line 18.

Following: "codes"

Insert: "and coding standards"

39. Page 24, line 21.

Strike: "January 1, 2011"

Insert: "December 31, 2010"

40. Page 24, line 23.

Following: "presumption that the"

Insert: "adopted"

41. Page 24, lines 24 through 25.

Strike: "established by the department are" on line 24

Strike: "an appropriate" on line 24 through "chapter" on line 25

Insert: "establish compensable medical treatment for an injured worker"

42. Page 24, line 30.

Following: "director"

Strike: "to conduct"

Insert: ". The department may establish by rule"

43. Page 25, line 1.

Strike: ". The independent" through "assess"

Insert: "for"

44. Page 30, line 18.

Strike: "chapter"

Insert: "part"

45. Page 30.

Following: line 18

Insert: "(1) "Assistance fund" means the stay-at-work/return-to-work assistance fund provided for in [section 19]."

Renumber: subsequent subsections

46. Page 30, line 21.

Strike: "practitioners"

Insert: "providers"

47. Page 30.

Following: line 25

Insert: "(4) "Insurer's stay-at-work/return-to-work assistance policy" or "assistance policy" means a written stay-at-work/return-to-work policy that explains to the worker the process of evaluation, planning, implementation, and provision of services by the insurer prior to the determination that the worker meets the definition of a disabled worker. The services are intended to facilitate a worker's return to work as soon as possible following the worker's injury or occupational disease. This assistance may include a rehabilitation plan."

Renumber: subsequent subsections

48. Page 31, line 4 through line 8.

Strike: subsection (7) in its entirety

Insert: "(9) "Stay-at-work/return-to-work assistance" or "assistance" means the evaluation, planning, implementation, and provision of appropriate services prior to the determination that the worker meets the definition of a disabled worker that are designed to facilitate a worker's return to work as soon as possible following the worker's injury or occupational disease. This assistance may include a rehabilitation plan."

49. Page 31.

Following: line 9

Insert: "NEW SECTION. **Section 16. Stay-at-work/return-to-work goals and options -- notification by department -- agreement between worker and insurer.** (1) The goal of stay-at-work/return-to-work assistance is to minimize avoidable disruption caused by a work-related injury or occupational disease by assisting the worker in the worker's return to the same position with the same employer or to a modified position with the same employer as soon as possible after an injury or an occupational disease occurs.

(2) To further the goal in subsection (1), the department shall, upon receipt from the insurer of a report of injury or occupational disease pursuant to 39-71-307(2), distribute to the worker a document that describes the stay-at-work/return-to-work assistance that is available upon request by the worker.

(3) Services provided as part of stay-at-work/return-to-work assistance are provided in addition to or prior to rehabilitation services and are intended to help a worker return to work."

Insert: "NEW SECTION. Section 17. Request for and delivery of stay-at-work/return-to-work assistance. (1)(a) A worker who is claiming an injury or occupational disease, an employer, or a medical provider may ask that the department furnish stay-at-work/return-to-work assistance. After the worker signs a claim for benefits, the department shall promptly attempt to determine which insurer is at risk for the injury or occupational disease and contact that insurer. The department shall advise the insurer of the request for stay-at-work/return-to-work assistance and shall coordinate the assistance with the insurer.

(b) If an insurer has accepted liability for the claim, the insurer shall provide stay-at-work/return-to-work assistance either in accordance with the insurer's stay-at-work/return-to-work assistance policy or by designating a rehabilitation provider to provide rehabilitation services. The insurer is directly liable for paying for the stay-at-work/return-to-work assistance furnished.

(c) If an insurer at risk has not accepted liability for the claim, the insurer may choose one of the following actions:

(i) The insurer at risk for the claim may initiate stay-at-work/return-to-work assistance either in accordance with the insurer's stay-at-work/return-to-work assistance policy or by designating a rehabilitation provider to provide rehabilitation services and shall notify the department within 3 business days of being contacted by the department that the insurer is acting under this subsection (1)(c)(i). If the insurer provides either type of assistance, the insurer becomes responsible for directly paying for the assistance. Payment of assistance pursuant to this subsection (1)(c)(i) does not constitute admission of liability or a waiver of any right of defense.

(ii) If the insurer at risk for the claim does not notify the department within 3 business days of being contacted by the department that the insurer will provide assistance, the department shall obtain stay-at-work/return-to-work assistance for the worker by designating a rehabilitation provider.

(d) If the department cannot promptly determine which insurer is at risk for coverage, the department shall obtain stay-at-work/return-to-work assistance for the worker by designating a rehabilitation provider.

(e) A rehabilitation provider designated by the department under this section shall bill the department for services provided. The department shall pay for the stay-at-work/return-to-work assistance out of the assistance fund until the maximum allowed amount of assistance is provided or until the insurer denies the claim and notifies the department of the denial.

(f) If an insurer is providing assistance pursuant to the insurer's stay-at-work/return-to-work assistance policy, the insurer shall provide in writing to a worker, with a copy to the department, an explanation of the stay-at-work/return-to-work assistance being provided to the worker under this section and shall include contact information for the person providing the

assistance.

(2) Rather than make a request to the department, a worker, an employer, or a medical provider may directly ask the insurer to provide stay-at-work/return-to-work assistance.

(3) In the absence of a request by a worker, an employer, or a medical provider, an insurer may initiate and provide stay-at-work/return-to-work assistance by providing the worker with a copy of the insurer's stay-at-work/return-to-work assistance policy or by designating a rehabilitation provider to provide rehabilitation services.

(4) Stay-at-work/return-to-work assistance requested under this section is available as a service apart from a determination regarding indemnity benefits. A worker or an employer may decline to accept stay-at-work/return-to-work assistance. The failure of a worker to voluntarily agree to assistance is not a dispute concerning benefits. However, if the assistance provided under this part results in a job offer for a position that is within the worker's physical abilities, for which the worker is qualified, and for which the wages are at least equal to the worker's wages at the time of injury and the worker refuses the offer, the workers' indemnity benefits may end as provided in 39-71-701 and 39-71-712.

(5) Stay-at-work/return-to-work assistance is available at any time unless:

(a) the worker, prior to a determination that the worker meets the definition of a disabled worker, has refused a job offer for a position that is within the worker's physical abilities, for which the worker is qualified, and for which the wages are at least equal to the worker's wages at the time of injury;

(b) the worker has actually returned to work; or

(c) the claim has been closed pursuant to 39-71-704(1)(f)(i) or indemnity benefits have been settled pursuant to the definition of a settled claim in 39-71-107.

(6) If the insurer determines that the worker has not suffered a compensable injury or occupational disease and denies liability for the claim, the insurer or the department shall terminate any stay-at-work/return-to-work assistance that was initiated before the insurer's denial of liability."

Insert: "NEW SECTION. Section 18. Rehabilitation provider -- evaluation. (1) Stay-at-work/return-to-work assistance must be provided by a rehabilitation provider pursuant to this section if:

(a) the department provides assistance; or

(b) an insurer elects to designate a rehabilitation provider instead of using the insurer's own stay-at-work/return-to-work assistance policy.

(2) (a) The rehabilitation provider shall evaluate and determine the stay-at-work/return-to-work capabilities of the worker pursuant to the stay-at-work/return-to-work goals listed in [section 16].

(b) If the worker has returned to work, the rehabilitation provider shall provide documentation of the assistance to the worker, the insurer, and the department.

(c) If the worker has not returned to work and has not received a job offer to return to work, the rehabilitation provider shall document the reasons the stay-at-work/return-to-work assistance was unsuccessful. The documentation must be provided to the worker, the insurer, the treating physician, and the department.

(d) The following conditions allow termination of assistance prior to the time a worker meets the definition of a disabled worker:

(i) the worker has returned to work earning wages that are at least as much as at the time of injury;

(ii) the worker has received an offer to return to work at a position that is within the worker's physical abilities, for which the worker is qualified, and for which the wages are at least equal to the worker's wages at the time of injury;

(iii) the worker has returned to work in an alternative position that pays less than the worker's wages at the time of injury and that qualifies the worker for temporary partial disability benefits pursuant to 39-71-712; or

(iv) the worker receives a job offer to return to work in a position that is within the worker's physical abilities, for which the worker is qualified, for which the wages are less than the worker's wages at the time of injury, and that qualifies the worker for temporary partial disability benefits under 39-71-712.

(e) If a worker has requested stay-at-work/return-to-work assistance and a rehabilitation plan has been agreed to by the worker and the insurer, the plan continues until completed.

(3) If the worker or insurer disputes the availability or level of assistance, the worker or insurer may, after mediation, petition the workers' compensation court for resolution of the dispute."

Insert: "NEW SECTION. Section 19. Stay-at-work/return-to-work assistance fund -- purpose -- payment process -- rulemaking. (1) There is a stay-at-work/return-to-work assistance fund in the proprietary fund category.

(2) The purpose of the assistance fund is to pay for stay-at-work/return-to-work assistance provided by the department so that assistance may be provided as early as practicable in the workers' compensation claims process.

(3) (a) The department may establish by rule:

(i) the amounts and types of assistance to be provided; and

(ii) the maximum hourly rate that may be charged for stay-at-work/return-to-work assistance obtained by the department and paid for by the assistance fund.

(b) The rules adopted under subsection (3)(a) regarding the payment amounts to rehabilitation providers do not apply if the insurer has taken direct responsibility for providing stay-at-work/return-to-work assistance.

(c) If rules are not adopted to implement subsection (3)(a), the department may not provide more than \$2,000 in assistance."

Insert: "NEW SECTION. Section 20. Assessment for stay-at-work/return-to-work assistance fund -- definition. (1) (a) The assistance fund must be maintained by assessing employers insured by plan No. 1, plan No. 2, and plan No. 3 an amount as provided in subsections (2) through (10).

(b) The board of investments shall invest the money in the assistance fund. The investment income must be deposited in the assistance fund.

(2) The assessment amount is the total amount paid by the assistance fund in the preceding fiscal year less other realized income that is deposited in the assistance fund. Allocation of the total assessment amount among employers insured by plan No. 1, plan No. 2, and plan No. 3 must be based on each plan's proportionate share of money expended from the assistance fund for the calendar year preceding the year in which the assessment is collected.

(3) On or before May 31 of each year, the department shall notify each plan No. 1 employer, plan No. 2 insurer, and plan No. 3, the state fund, of the amount to be assessed for the ensuing fiscal year. On or before April 30 of each year, the department shall consult with the advisory organization designated under 33-16-1023 and notify plan No. 2 insurers and plan No. 3, the state fund, of the premium surcharge rate to be effective for policies written or renewed on or after July 1 in that year.

(4) The portion of the plan No. 1 assessment assessed against an individual plan No. 1 employer is the amount actually expended by the assistance fund on behalf of injured workers employed by that plan No. 1 employer. A group of employers insured jointly under plan No. 1 is considered to be an individual employer for the purposes of this subsection.

(5) After subtracting plan No. 1 assessments from the total assessment, the department shall determine the surcharge rate for plan No. 2 insurers and plan No. 3, the state fund, by dividing the remaining portion of the assessment by the total amount of premiums paid by employers insured under plan No. 2 or plan No. 3 in the previous calendar year. The numerator for the calculation must be adjusted as provided in subsection (9).

(6) Employers insured under plan No. 2 or plan No. 3 shall pay their portion of the assessment in a surcharge on premiums for policies written or renewed annually on or after July 1.

(7) (a) Each plan No. 2 insurer and plan No. 3, the state fund, shall collect from its policyholders the assessment premium surcharge provided for in subsection (5). When collected, the assessment premium surcharge may not constitute an element of loss for the purpose of establishing rates for workers' compensation insurance but, for the purpose of collection, must be treated as separate costs imposed upon insured employers. The total of this assessment premium surcharge must be stated as a separate cost on an insured employer's policy or on a separate

document submitted by the insured employer and must be identified as "workers' compensation stay-at-work/return-to-work assistance fund surcharge". Each assessment premium surcharge must be shown as a percentage of the total workers' compensation policyholder premium. This assessment premium surcharge must be collected at the same time and in the same manner as the premium for the coverage. The assessment premium surcharge must be excluded from the definition of premium for all purposes, including computation of insurance producers' commissions or premium taxes, except that an insurer may cancel a workers' compensation policy for nonpayment of the assessment premium surcharge. Cancellation must be in accordance with the procedures applicable to the nonpayment of premium.

(b) If an employer fails to remit to an insurer the total amount due for the premium and assessment premium surcharge, the amount received by the insurer must be applied to the assessment premium surcharge described in 39-71-201 first, then to the assessment premium surcharge in this section, and then to the surcharge in 39-71-915, with any remaining amount applied to the premium due.

(8) (a) The department shall deposit all assessments due under this section into the assistance fund.

(b) Each plan No. 1 employer shall pay its assessment due under this section by July 1.

(c) Each plan No. 2 insurer and plan No. 3, the state fund, shall remit to the department all assessment premium surcharges collected during a calendar quarter no later than 20 days following the end of the quarter.

(d) If a plan No. 1 employer, a plan No. 2 insurer, or plan No. 3, the state fund, fails to timely pay to the department the assessment or assessment premium surcharge under this section, the department may impose on the plan No. 1 employer, the plan No. 2 insurer, or plan No. 3, the state fund, an administrative fine of \$100 plus interest on the delinquent amount at the annual interest rate of 12%. Administrative fines and interest must be deposited in the assistance fund.

(9) Each year, the department shall compare the amount of the assessment premium surcharge actually collected pursuant to subsection (5) with the amount assessed and upon which the premium surcharge was calculated. The amount undercollected or overcollected in any given year must be used as an adjustment to the numerator for the following year's assessment premium surcharge as provided in subsection (5).

(10) If the total assessment is less than \$100,000 for any year, the department may defer the assessment for that year and add that amount to the assessment amount for the subsequent year.

(11) As used in this section, "money expended" means expenditures for stay-at-work/return-to-work assistance from the assistance fund."

Insert: "NEW SECTION. Section 21. Rulemaking authority. The department may adopt rules to implement this part."

Insert: "Section 22. Section 39-71-1025, MCA, is amended to read:

"39-71-1025. **Auxiliary rehabilitation benefits.** (1) In addition to benefits otherwise provided in this chapter, separate benefits not exceeding a total of \$4,000, adjusted as provided in subsection (2), may be paid by the insurer for specialized job modification, reasonable travel, and relocation expenses used ~~to~~ for any of the following:

- (1)(a) search for new employment;
- (2)(b) return to work but in a new location;
- (3)(c) ~~implement the implementation of~~ a rehabilitation plan that has been filed with the department; ~~and or~~
- (4)(d) ~~attend~~ attendance at an on-the-job training program.

(2) The separate benefit may be adjusted by an amount that is the percentage increase, if any, in the current state's average weekly wage over the state's average weekly wage adopted for the previous year."

Insert: "Section 23. Section 39-71-1031, MCA, is amended to read:

"39-71-1031. **Exchange of information.** ~~The insurer's designated insurer, the~~ rehabilitation provider, and the department shall provide to one another case information as necessary to carry out the purposes of this part."

50. Page 31, line 11.

Following: "designation"

Insert: "or approval"

51. Page 31, line 13.

Following: "designation"

Insert: "or approval"

52. Page 31, line 15.

Strike: "health care provider"

Insert: "person who is listed in 39-71-116(41)"

Following: "treatment."

Insert: "Subject to subsection (2), if the person listed under 39-71-116(41) chosen by the worker agrees to comply with the requirements of subsection (2), that person is the treating physician."

53. Page 31, line 16.

Strike: "Upon receipt of a claim for benefits and"

Insert: "Any time after"

54. Page 31, line 17.

Following: "designate"
Insert: "or approve"
Following: "designated"
Insert: "or approved"

55. Page 31, line 22.
Strike: "and"

56. Page 31.
Following: line 22
Insert: "(c) shall provide or arrange for treatment within the
utilization and treatment guidelines or obtain prior
approval for other treatment; and"

57. Page 31, line 23.
Strike: "(c)"
Insert: "(d)"

58. Page 31, line 28.
Following: "designated"
Insert: "or approved"

59. Page 32, line 2.
Following: "designation"
Insert: "or approval"

60. Page 32.
Following: line 5
Insert: "(7) Regardless of the date of injury, the medical fee
schedule rates in effect as adopted by the department in 39-
71-704 and the percentages referenced in subsections (4)
through (6) apply to the medical service on the date on
which the medical service was provided. "

61. Page 32, line 19.
Strike: "to a managed care organization"

62. Page 32, line 20.
Strike: "managed care"

63. Page 32, line 21.
Following: "accordance with"
Insert: "39-71-1102 and"
Strike: "managed care"

64. Page 32, line 24.

Following: "organization"

Insert: "or a preferred provider organization"

65. Page 32, line 28.

Following: "injury"

Insert: "or occupational disease"

66. Page 34.

Following: line 6

Insert: "Section 27. Section 39-71-2361, MCA, is amended to read:

"39-71-2361. Legislative audit of state fund -- annual review of audit and rate review by insurance commissioner. The legislative auditor shall annually:

(1) conduct or have conducted a financial and compliance audit of the state fund, including its operations relating to claims for injuries resulting from accidents that occurred before July 1, 1990. The audit must include evaluations of the claims reservation process, the amounts reserved, and the current report of the state fund's actuary. The evaluations may be conducted by persons appointed under 5-13-305. Audit and evaluation costs are an expense of and must be paid by the state fund and must be allocated between those claims for injuries resulting from accidents that occurred before July 1, 1990, and those claims for injuries resulting from accidents that occur on or after that date.

(2) provide the results of the financial and compliance audit for operations related to claims for injuries resulting from accidents on or after July 1, 1990, as provided in subsection (1), and the rate review as provided in 39-71-2362 to the insurance commissioner. The insurance commissioner shall review the financial and compliance audit and rate review and report any concerns or recommendations based on the review to the governor, the legislative audit committee, and the economic affairs interim committee."

67. Page 34, lines 8 through 16.

Strike: section 18 in its entirety

Renumber: subsequent sections

68. Page 34, line 18.

Strike: "Work ability"

Insert: "Medical status"

Following: "create a"

Strike: "work ability"

Insert: "medical status"

69. Page 35, line 4.

Strike: "work ability"

70. Page 35, line 5.

Strike: "work ability"

71. Page 35, line 12.

Strike: "surgery"

Insert: "medical treatment"

Following: "continue to work"

Insert: "or return to work"

72. Page 35, line 23.

Strike: "2"

Insert: "5"

73. Page 35, lines 24 through 25.

Strike: "A petition" on line 24 through "reopening." on line 25

Insert: "A petition may not be filed more than 90 days before
benefits are to terminate."

74. Page 35, lines 29 through 30.

Strike: "to a high" on line 29 through "certainty" on line 30

Insert: "a preponderance of the evidence"

75. Page 36, line 6.

Strike: "a maximum of"

76. Page 36, line 7.

Strike: "surgery"

Insert: "or the recommended medical treatment"

Following: "first."

Insert: "If the medical panel specifically approves treatment
beyond 2 years, medical benefits remain open for as long as
recommended by the medical panel. The petitioner and the
insurer shall submit updated information to the medical
panel every 2 years, and every subsequent 2 years the
medical panel shall review the claims that were reopened for
longer than 2 years to determine whether to change the
previous recommendation."

77. Page 36.

Following: line 11

Insert: "NEW SECTION. **Section 30. Transition for stay-at-work/return-to-work assistance fund.** (1) The department of labor and industry shall transfer \$100,000 from the administration fund provided for by 39-71-201 to the stay-at-work/return-to-work assistance fund established in [section 19] to provide the

initial funding for the fund.

(2) Effective for policies written or renewed in state fiscal year 2012 only, the premium surcharge rate to be levied by insurers on workers' compensation insurance premiums pursuant to [section 20] is 0.00082."

Renumber: subsequent sections

78. Page 36, line 13.

Strike: "18 and 19"

Insert: "16 through 21 and 28"

79. Page 36, line 15.

Strike: "18 and 19"

Insert: "16 through 21 and 28"

80. Page 36, line 16.

Strike: "20"

Insert: "29"

81. Page 36, line 17.

Strike: "20"

Insert: "29"

82. Page 36, line 23.

Following: "Severability"

Insert: "-- nonseverability"

83. Page 36.

Following: line 25

Insert: "(2) It is the intent of the legislature that [sections 15 through 23] are essentially dependent upon each other and that if one or more of these sections are held invalid or unconstitutional, the other sections specified in this subsection are also invalid.

(3) It is the intent of the legislature that if any one of the amendments made by [section 14] regarding settlement of undisputed medical benefits is held invalid or unconstitutional, the other amendments in [section 14] and [section 35(4)] regarding settlement of undisputed medical benefits are invalid so that settlement of undisputed medical benefits is no longer permitted."

84. Page 37, line 4.

Strike: "13"

Insert: "14"

85. Page 37.

March 25, 2011

Page 20 of 20

Following: line 5

Insert: "(4) The provisions of [sections 15 through 23] apply to injuries occurring on or after July 1, 2012."

- END -

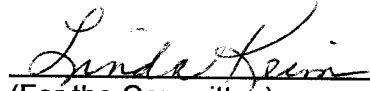
BILL TABLED NOTICE

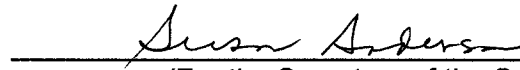
SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

The **SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE** TABLED

HB 71 - Provide that illegal alien may not receive workers' comp

HB 563 - Provide for public-private partnerships, by motion, on **Friday, March 25, 2011**.


(For the Committee)


(For the Secretary of the Senate)

1:50 1 3/25/11
(Time) (Date)

March 25, 2011

Linda Keim, Secretary

Phone: 444-4618



SENATE STANDING COMMITTEE REPORT

March 25, 2011

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 547** (third reading copy -- blue) **be concurred in.**

Signed: _____

Joe Balyeat

Senator Joe Balyeat, Chair

To be carried by Senator Tom Facey

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required ☐

HB0547001SC08062.sdr

OR



SENATE STANDING COMMITTEE REPORT

March 25, 2011

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 508** (third reading copy -- blue) **be concurred in.**

Signed: _____

Joe Balyeat
Senator Joe Balyeat, Chair

To be carried by Senator Taylor Brown

- END -

Committee Vote:

Yes 6, No 5

Fiscal Note Required ☐

HB0508001SC06463.sdr

mc



SENATE STANDING COMMITTEE REPORT

March 25, 2011

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 416** (third reading copy -- blue) **be concurred in.**

Signed: _____

Senator Joe Balyeat, Chair

To be carried by Senator Frederick (Eric) Moore

- END -

Committee Vote:

Yes 7, No 4

Fiscal Note Required ☐

HB0416001SC07877.sdr

OK



SENATE STANDING COMMITTEE REPORT

March 25, 2011

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 249** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Senator Joe Balyeat, Chair

To be carried by Senator Tom Facey

And, that such amendments read:

1. Page 1, line 15.

Following: "shareholder"

Strike: "of"

Insert: "who is:

(a) active in"

2. Page 1, line 17.

Following: "conduct"

Insert: "except that a shareholder may become personally liable by reason of that shareholder's own acts or conduct;

(b) not active in the corporation is not personally liable"

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required ☐

HB0249001SC08062.sdr

A handwritten signature, possibly "JR", in the bottom right corner of the page.



SENATE STANDING COMMITTEE REPORT

March 25, 2011

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 405** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Joe Balyeat
Senator Joe Balyeat, Chair

To be carried by Senator Bruce Tutvedt

And, that such amendments read:

1. Page 2, line 28.

Following: "statement"

Insert: "made contemporaneously with the omission"

- END -

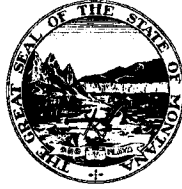
Committee Vote:

Yes 6, No 5

Fiscal Note Required ____

HB0405001SC06485.sdr

DR



SENATE STANDING COMMITTEE REPORT

March 25, 2011

Page 1 of 2

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 525** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Joe Balyeat
Senator Joe Balyeat, Chair

To be carried by Senator Tom Facey

And, that such amendments read:

1. Title, line 6.

Strike: "AND"

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 1, line 10.

Following: "(1)"

Strike: "(a)"

3. Page 1, line 11 through line 12.

Strike: "in" on line 11 through "to" on line 12

4. Page 1, line 12.

Strike: "board remains"

Insert: "boards remain"

Strike: "meets"

Insert: "meet"

5. Page 1, line 15 through line 18.

Strike: subsection (b) in its entirety

6. Page 2.

Following: line 10

Insert: "NEW SECTION. Section 4. Termination. [This act]"

Committee Vote:

Yes 10, No 1

Fiscal Note Required ☐

DR

MONTANA STATE SENATE ROLL CALL VOTE

BUSINESS, LABOR, AND ECONOMIC AFFAIRS

DATE: 3-25-, 2011

BILL NO. HB 508

6-5

NAME	AYE	NO
Senator Stewart-Peregoy	✓	
Senator Vuckovich	✓	
Senator Steinbeisser		✓
Senator Facey	✓	
Senator Tutvedt		✓
Senator Jackson		✓
Senator Windy Boy	✓ _{pr}	
Senator Moore		✓
Senator Tropila	✓	
Senator Mowbray	✓	
Chairman Balyeat		✓

11 Committee Members

MONTANA STATE SENATE
ROLL CALL VOTE
BUSINESS, LABOR, AND
ECONOMIC AFFAIRS

DATE: 3-25, 2011

BILL NO. HB 563 *Subs 5-6*

NAME	AYE	NO
Senator Stewart-Peregoy		✓
Senator Vuckovich	✓	
Senator Steinbeisser	✓	
Senator Facey		✓
Senator Tutvedt		✓
Senator Jackson	✓	
Senator Windy Boy		✓ <i>W</i>
Senator Moore		✓
Senator Tropila		✓
Senator Mowbray	✓	
Chairman Balyeat	✓	

11 Committee Members

MONTANA STATE SENATE ROLL CALL VOTE

BUSINESS, LABOR, AND ECONOMIC AFFAIRS

DATE: 3-25-, 2011

BILL NO. HB 416 7-4

NAME	AYE	NO
Senator Stewart-Peregoy		✓
Senator Vuckovich	✓	
Senator Steinbeisser	✓	
Senator Facey		✓
Senator Tutvedt	✓	
Senator Jackson	✓	
Senator Windy Boy		✓
Senator Moore	✓	
Senator Tropila		✓
Senator Mowbray	✓	
Chairman Balyeat	✓	

11 Committee Members

MONTANA STATE SENATE ROLL CALL VOTE

BUSINESS, LABOR, AND ECONOMIC AFFAIRS

DATE: 3-25-, 2011

BILL NO. HB 405 DCAA 6-5

NAME	AYE	NO
Senator Stewart-Peregoy		✓
Senator Vuckovich		✓
Senator Steinbeisser	✓	
Senator Facey		✓
Senator Tutvedt	✓	
Senator Jackson	✓	
Senator Windy Boy	✓	✓ P
Senator Moore		
Senator Tropila		✓
Senator Mowbray	✓	
Chairman Balyeat	✓	

11 Committee Members

MONTANA STATE SENATE ROLL CALL VOTE

BUSINESS, LABOR, AND ECONOMIC AFFAIRS

DATE: 3-25-, 2011

BILL NO. HB 334 DCAA

110

NAME	AYE	NO
Senator Stewart-Peregoy	✓	
Senator Vuckovich	✓	
Senator Steinbeisser	✓	
Senator Facey	✓	
Senator Tutvedt	✓	
Senator Jackson	✓	
Senator Windy Boy	✓	
Senator Moore	✓	
Senator Tropila	✓	
Senator Mowbray	✓	
Chairman Balyeat	✓	

11 Committee Members

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Sponsor: Representative Austin Knudsen

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Sponsor: Representative Gordon Vance

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Sponsor: Representative Jonathan McNiven

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Friday, March 25, 2011

SB 375 - Generally revise workers' compensation

Sponsor: Senator Edward Walker

PLEASE PRINT

Name	Representing	Support	Oppose
Jerry Keck	Dept. of Labor	Informational	
Riley Johnson	NFEB		X
Jacqueline J. Denmark	Am Ore Assn	X w/ Amd	X
PATRICK HOFFERMAN	MT WOOD PRODUCTS ASSOC		X
John Youngberg	MEBF		X
Carl Kochman	Montana State Fund		X
Snak Stang	INCM		X
Jason Fleethunter	MT Logging Assoc		X
Mark Barry	State Fund		X
GREG CHILCOTT	RAVALLI COUNTY/MACO JPA	X	
Ryan Zink	SD 2	X	
Dan Paul	Farmers Ins	X w/ Amd	
Bruce Spencer	PCI	X w/ Amd	
Bob Worthington	MSIA		X
Nancy Butler	MT State Fund	X	X

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.